

Sines, et al. v. Kessler, et al., 3:17CV72, 10/29/2021

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

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ELIZABETH SINES, ET AL., CIVIL CASE NO.: 3:17CV72  
OCTOBER 29, 2021, 9:20 AM  
JURY TRIAL, DAY 5

Plaintiffs,

vs.

Before:

HONORABLE NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE  
WESTERN DISTRICT OF VIRGINIA

JASON KESSLER, ET AL.,

Defendants.

\*\*\*\*\*

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1 (Proceedings commenced, 9:20 a.m.)

2 THE COURT: Good morning. Are the parties ready?

3 MS. DUNN: We are, Your Honor.

4 MR. KOLENICH: Yes, Your Honor.

5 THE COURT: All right. I suppose you've seen the  
6 emails over the evening. I do intend to give a curative  
7 instruction, which really I'm going to reread a conspiracy  
8 instruction and follow it up by a statement regarding the First  
9 Amendment law.

10 Are we ready to call the jury?

11 MS. DUNN: Your Honor, I apologize. The realtime is  
12 not working. The realtime feed does not appear to be working,  
13 at least over here. I don't know...

14 Thank you, Your Honor.

15 THE COURT: All right. I'll also read -- before we  
16 begin, I will remind everyone under Standing Order 2020-12 and  
17 2013-8 the Court's prohibition against recording and  
18 broadcasting court proceedings remains in force. Attorneys,  
19 parties and their staff, and members of the public or press  
20 accessing this proceeding today may not record or broadcast it.  
21 That means no photography, no using any video or audio  
22 recording device, no rebroadcasting, livestreaming, or  
23 otherwise disseminating any live or recorded video or audio of  
24 this proceeding.

25 Are we ready to call the jury?

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1 MS. DUNN: Yes, Your Honor.

2 THE COURT: Call the jury, please.

3 My understanding is -- I know Zoom is not working for  
4 attorneys who are not here, but that they can still get the  
5 audio, and we can proceed at least until there needs to be  
6 something visible. I just don't want to sit here all day  
7 waiting and waste everybody's time.

8 MS. KAPLAN: We don't have any objection to that,  
9 Your Honor.

10 **(Jury in, 9:23 a.m.)**

11 THE COURT: Thank you. You may be seated.

12 Members of the jury, I apologize for you being called  
13 in late. We understand there was a power outage in the  
14 building last night. It threw off all the electronics here.  
15 So that's being worked on.

16 Because there were some issues that came up,  
17 statements regarding what the law is and is not, I'm going to  
18 reiterate some of the instruction that I gave you yesterday.  
19 But just understand it is your duty to decide the facts. It's  
20 my duty to instruct you as to the law. The attorneys may argue  
21 how the law and the facts you find apply to this case, but the  
22 attorneys may not state law other than what I have said it is.

23 Now, I don't make the law up. I mean, this is the  
24 law of the land, and it was the law before this case began, and  
25 will be the law after this case is over. It is our duty to



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1 follow the law. And I'm just a messenger here telling you what  
2 the law is, and you will decide what the facts are.

3 As I stated yesterday, plaintiffs allege the  
4 defendants in this case engaged in a conspiracy to commit  
5 racially motivated violence in violation of a federal law and  
6 violations of Virginia law. I will give you more detailed  
7 instructions on the legal requirements to prove these claims at  
8 the close of the case. But I will reiterate that first, a  
9 conspiracy is an agreement between two or more persons to join  
10 together to accomplish some unlawful purpose. It is a kind of  
11 unlawful partnership in which each member becomes the agent of  
12 every other member.

13 While the plaintiffs must prove that the conspiracy  
14 had an unlawful objective, plaintiffs need not prove that the  
15 conspiracy had only an unlawful purpose. Co-conspirators may  
16 have legal, as well as unlawful objectives. A conspiracy may  
17 have several objectives, but if any one of them, even if it is  
18 only a secondary objective, is to violate the law, then the  
19 conspiracy is unlawful.

20 People do not -- plaintiffs do not need to prove that  
21 the alleged conspirators entered into any formal agreement, or  
22 that they directly stated between themselves all of the details  
23 of the scheme. Plaintiffs are not required to produce a  
24 written contract or even produce evidence of an express oral  
25 agreement spelling out all the details of the understanding.

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1 An informal agreement may be sufficient. All plaintiffs must  
2 show is that an overall unlawful objective was shared.

3 Plaintiffs are not required to show that all  
4 defendants they allege as members of the conspiracy were, in  
5 fact, parties to the agreement, or that all the members of the  
6 alleged conspiracy were named or alleged in this lawsuit, or  
7 that all people whom the evidence shows were actually members  
8 of the conspiracy agreed to all the means or methods set out in  
9 the complaint.

10 By its very nature, a conspiracy is clandestine and  
11 covert, thereby frequently resulting in little evidence of such  
12 an agreement. Therefore, plaintiffs may prove a conspiracy by  
13 circumstantial evidence. Circumstantial evidence tending to  
14 prove a conspiracy may include evidence of a defendant's  
15 relationship with other members of the alleged conspiracy, the  
16 length of any such association, the defendant's attitude and  
17 conduct, and the nature of the alleged conspiracy.

18 Second, to prove a conspiracy, the plaintiffs will  
19 have to show that at least one of the defendants took an overt  
20 act in furtherance of the alleged conspiracy. The term "overt  
21 act" means some type of outward objective action performed by  
22 one of the members of the conspiracy which evidences that  
23 agreement. An overt act may be an act which is entirely  
24 innocent when considered alone, but which is knowingly done in  
25 furtherance of some object or purpose of the conspiracy.

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1           Because there are multiple defendants in this case,  
2 you will also need to consider which of the defendants, if any,  
3 was a member of the alleged conspiracy. One may become a  
4 member of a conspiracy without knowing all the details of the  
5 unlawful scheme or the identities of all the alleged  
6 conspirators. If a person understands the unlawful nature of a  
7 plan or scheme and knowingly and intentionally joins in that  
8 plan or scheme on one occasion, that is sufficient to prove he  
9 was a member of the conspiracy, even though the person had not  
10 participated before, or even though he played only a minor  
11 part.

12           The law holds conspirators liable for the reasonably  
13 foreseeable acts of their co-conspirators. In other words, a  
14 defendant may be liable even if he did not personally  
15 participate in the acts or plans of his co-conspirators, or  
16 even if the defendant did not have actual knowledge of those  
17 acts or plans, so long as those acts or plans were reasonably  
18 foreseeable to the defendant. The reason for this is simply  
19 that a co-conspirator is deemed to be the agent of all other  
20 members of the conspiracy; therefore, all of the  
21 co-conspirators bear responsibility for acts or plans that are  
22 undertaken to further the goals of the conspiracy.

23           Finally, if plaintiffs prove by a preponderance of  
24 the evidence that any defendant engaged in a conspiracy to  
25 commit racially motivated violence in violation of federal law,

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1 the First Amendment is no defense to the violation of law.

2 All right. Ready to call the first witness?

3 MS. KAPLAN: Your Honor, please call Natalie Romero.

4 MS. DUNN: She's on her way up.

5 Ms. Wheeler, could you activate Mr. Spalding's  
6 technological access, please? Thank you.

7 Your Honor, may we have permission to pass out the  
8 witness binders?

9 THE COURT: I'm sorry?

10 MS. DUNN: We have witness exhibit binders for the  
11 Court, for the clerks, for the defense and the witness. May we  
12 pass them up?

13 THE COURT: All right. You all have seen them.

14 MR. SMITH: Thank you.

15 THE COURT: Yes.

16 We have to wait a minute. We understand the sound is  
17 not going to --

18 THE CLERK: I've asked Mr. ReBrook to dial in  
19 separately to see if he can get it that way. He's trying that  
20 now.

21 THE COURT: As far as you know, is that line open to  
22 the outside, Susan?

23 THE CLERK: Scott thought they were hearing, but  
24 they're not. So we're checking now.

25 THE COURT: You may have a seat.

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1 Ladies and gentlemen, the feed outside -- persons  
2 outside who have -- of necessity have to listen to what's going  
3 on are not getting the feed. So we're trying to correct it.

4 MS. DUNN: Your Honor, may I approach just to move  
5 some things off the witness stand?

6 THE COURT: Yes.

7 MS. DUNN: Thank you.

8 (Pause.)

9 THE COURT: You may sit down.

10 MS. DUNN: Thank you, Your Honor.

11 THE CLERK: It appears the other Zoom participants  
12 don't have video, but they do have audio. So Mr. ReBrook is  
13 dialing in separately, and I'll tell him if he needs to raise  
14 anything to chat with me and I'll raise my hand. Is that okay?

15 THE COURT: That's good.

16 THE CLERK: He's trying to get on now. Let me just  
17 check.

18 He's there.

19 THE COURT: All right.

20 THE CLERK: Okay. He said he can hear on the  
21 telephone line.

22 THE COURT: Okay.

23 MS. DUNN: Thank you, Your Honor.

24 THE COURT: Let the witness stand and be sworn.

25 THE CLERK: Ms. Romero, could you please stand?

N. Romero - Direct

1 NATALIE ROMERO, CALLED BY THE PLAINTIFFS, SWORN

2 DIRECT EXAMINATION

3 BY MS. DUNN:

4 Q Good morning, Ms. Romero.

5 A Good morning.

6 Q Please introduce yourself to the jury.

7 A Okay. My name is Natalie Lynn Romero. I'm from Houston,  
8 Texas. I'm 24. I just...

9 Q Where did you go to college?

10 A I went to the University of Virginia. I graduated in  
11 August of 2020. I went to school in Houston at a magnet  
12 program. Do I just talk about myself?

13 Q I'll ask some questions --

14 A Okay.

15 Q -- and we can do it that way.

16 You said you graduated from the University of Virginia.  
17 What was your degree in?

18 A I got my degree in global development studies with a minor  
19 in sociology.

20 Q Did you graduate with any honors?

21 A Yes. I graduated with a distinguished major. I got  
22 Dean's List that last semester. That was really amazing with  
23 23 credits. So that was a very difficult semester.

24 Q And you mentioned that you had attended a magnet program.  
25 Can you please tell the jury about any scholarships that you

N. Romero - Direct

1 may have received to go to college?

2 A Yes. I was an EMERGE Scholar, meaning I applied into that  
3 my freshman year of high school. Through that program, I  
4 learned that I could find opportunities to go to college out of  
5 state. I'm the first person to go to college out of state.  
6 And EMERGE took me on a tour and they helped me apply to  
7 another scholarship called Posse.

8 The Posse program is something -- you know, "posse," the  
9 term, like you have a gang or a group of friends. So they  
10 mentor us for eight months before college, and allowed me to  
11 come to UVA with a cohort of students that is meant to support  
12 you. You know, a lot of out-of-state students normally drop  
13 out. It's high statistically. So it helps us stay in school  
14 together, have, like, a support system.

15 So Posse awarded me a, like, full -- not room and board,  
16 but tuition, right? And then I got room and board paid for by  
17 an Army ROTC scholarship. So I -- yeah.

18 Q Can you explain what the Army ROTC scholarship was?

19 A Yes. So originally I applied to the Army ROTC scholarship  
20 through VMI. I was accepted, and I was going to go to VMI, but  
21 I also got the Posse scholarship around the same time. So I  
22 decided that I could transfer the ROTC scholarship from VMI to  
23 UVA very easily.

24 Q What's VMI?

25 A The Virginia Military Institute.

N. Romero - Direct

1 Q And why did you decide to go to UVA?

2 A Full ride, essentially. And out of state, it had so many  
3 options, you know, different schools that I could go to at UVA,  
4 like Education, School of Comm, School of Business. So I just  
5 really wanted that diversity of educational, like,  
6 opportunities.

7 I also applied to many other scholarships, smaller ones;  
8 you know, a bank; the Principal scholarship award for my high  
9 school; one from Toyota, I think; a couple others. They were  
10 really great. With the Principal award, actually, I got to  
11 stand on stage for graduation. So that was really cool.

12 Q And when you say got to stand on stage, you're talking  
13 about high school, right?

14 A Yes. Yes. In high school.

15 Q Did you receive any honors or awards when you graduated  
16 from high school?

17 A A lot. Yeah, many, I guess. I was in ROTC, right, for  
18 like five years. And I did it in middle school. So kind of  
19 like -- I had a lot of ROTC awards. I had the Legion of Valor  
20 award, I think you mentioned in your opening. Alongside that,  
21 I had, like, physical awards that were -- like the Presidential  
22 Physical Fitness Award, for example, multiple times. You just  
23 compete, and I was one of the higher-ranking girls. It was  
24 just really cool.

25 Q And when you said you were the first to go to college,



N. Romero - Direct

1 what did you mean by that?

2 A Yeah, the first one in the family to go to college.

3 Q Ms. Romero, where do you live right now?

4 A Right now I live in New York City.

5 Q And what do you currently do for work?

6 A Well, I just spent the last year in Charlottesville, so I  
7 just moved to New York. But I've been doing remote stuff as  
8 well.

9 I worked for a nonprofit nonpartisan organization that is  
10 dedicated to civic engagement. So I did that, and through  
11 that, I worked with the Albemarle County Public Schools working  
12 on their Portrait of a Graduate and what their next ten-year  
13 plan is going to be for students in the county.

14 Alongside that, I work as a translator for an organization  
15 that does success stories. It's like a mentorship program that  
16 does some training in prisons for folks who are incarcerated.  
17 It allows them to get some time off of their sentence and work  
18 on their mental health.

19 What else?

20 I worked for the Charlottesville Immigrant Freedom Fund.  
21 That is -- we raise money to help folks with legal fees and get  
22 them help that they might need for their families, for books,  
23 that are in the Albemarle County Regional Jail.

24 And I did an artist residency during this last year. So  
25 during the pandemic I was just very lucky. I got a studio

N. Romero - Direct

1 space downtown-ish, like, a bit off. Yeah, I have an exhibit  
2 that is actually being taken down today here in  
3 Charlottesville. That was really cool. It's my second one in  
4 the city. And I was very proud of that.

5 Q The jury in this case has already heard about the events  
6 of -- a little bit about the events of August 11th and 12th  
7 through opening statements. They've heard there was a torch  
8 march on August 11th and an event at Emancipation Park on the  
9 12th.

10 Were you present at either of those events?

11 A I'm sorry. I stopped -- can you repeat that?

12 Q Yes. The jury has already heard about a torch march that  
13 happened on August 11th of 2017 and an event that occurred in  
14 Emancipation Park on August 12th.

15 A Yes.

16 Q Were you present at either or both of those events?

17 A Yes. Both.

18 Q Both.

19 All right. So before I ask you specifically about  
20 August 11th and 12th, I'm going to ask you generally what you  
21 were doing in the summer of 2017.

22 A Okay.

23 Q So what were you doing that summer?

24 A I had an internship that summer, so I stayed in  
25 Charlottesville. We were working on environmental issues.

N. Romero - Direct

1 I also worked as a server at a Greek restaurant in  
2 Mechanicsville.

3 Q And I think you said you had finished up your first year  
4 at UVA the prior year. How was your first year at UVA?

5 A Well, the first one to come to school, I didn't have a lot  
6 of support from my family; but I did have my Posse and the  
7 mentors that Posse gives us. So I worked very closely with the  
8 Deans and other folks.

9 It was a, you know, very transitional year, I would say.  
10 I was getting adjusted to being out of state and being in a new  
11 environment.

12 Academically, you know, I think my first semester, I was  
13 not really pursuing the major that I wanted. It was kind of  
14 hard. But it's been a good year getting to know people,  
15 meaningful, getting adjusted, finding a family, you know, away  
16 from home. I really love Charlottesville. So that was  
17 amazing. Just -- yeah, it's been a good year, I think.

18 Q And what did you like to do outside of academics?

19 A A lot of stuff, I guess. I was a part of the peer  
20 mentoring program. So through that, we would go on hikes; we  
21 would do the sunsets; running, walking, dancing, I guess. You  
22 know, social stuff, what students would do.

23 Q And I think you said that you had an internship that  
24 summer. After your internship ended, what did you do?

25 A After the internship ended, I went back to Houston. I

N. Romero - Direct

1 did, like, a road trip down. And I got married, visited  
2 family.

3 Q And if you remember, what day did you return to  
4 Charlottesville?

5 A August 11th.

6 Q All right. So let's talk about that day of August 11th.  
7 What were you doing, if you can remember, on the afternoon of  
8 August 11th, 2017?

9 A I guess -- I had arrived in Richmond. So, you know,  
10 drove -- drove down from there. Decided to be back on grounds.  
11 I took -- like, I put down the windows, and I was like a dog  
12 out the window, just smelling the air. It just doesn't compare  
13 to Houston, the freshness.

14 I took, actually, my last selfie there, of my face  
15 without, you know -- well, what it looks like now.

16 And then I met up with friends. We had dinner together,  
17 like early dinner.

18 Q And at some point on August 11th did you go to the Thomas  
19 Jefferson statue at the Rotunda on UVA's campus?

20 A Yes.

21 Q Why did you go there?

22 A I guess I wanted to be there with friends and people that  
23 made me feel safe.

24 Q And if you can recall, approximately what time did you  
25 arrive at the statue?

N. Romero - Direct

1 A I don't really know.

2 Q And if you can recall, how many people did you go with?

3 A Like two people, I think.

4 Q And were any of the other plaintiffs in this case with you  
5 when you went?

6 A Yes.

7 Q Who was that?

8 A Devin Willis.

9 Q And please explain to the jury what happened when you  
10 arrived at the statue.

11 A We weren't there for long before they arrived. So we kind  
12 of embraced each other. Folks, you know -- I didn't really  
13 know a lot of folks there, either. So, like, my friends that  
14 were there, we, like, hugged each other. And when we -- when  
15 we heard, like, the roaring, we were like: What should we do?  
16 We just, like, linked arms and held hands and started to sing.

17 Q And I'll ask you about the roaring in a second. But first  
18 I want for the jury to understand: How many people were around  
19 the statue, if you can recall, when you first got there?

20 A Maybe like 15. There wasn't enough people to, like, cover  
21 the whole statue when I arrived. So not that many.

22 Q And if you remember, what were you wearing?

23 A I was wearing flip flops, a little tank top, some knitted  
24 shorts.

25 Q Were you carrying any weapons?

N. Romero - Direct

1 A No.

2 Q Were you carrying any mace?

3 A No.

4 Q Did you have anything with you that you could have used as  
5 a weapon, like, for example, a bottle?

6 A Nothing. I don't think I even had my phone.

7 Q Did you see anyone with you, that was with you that  
8 evening, that had weapons, mace, or any objects to throw?

9 A That was with me? Uh-uh. No.

10 MR. CANTWELL: Could the witness repeat the answer,  
11 please? I didn't hear that.

12 THE WITNESS: No.

13 MR. CANTWELL: You said something -- she said  
14 something other than "no."

15 MS. DUNN: Your Honor?

16 THE COURT: What is it? You did not hear the answer?

17 MR. CANTWELL: She said "no" and then something else.  
18 And I didn't hear it. That's all.

19 THE WITNESS: I just -- I repeated the question.

20 BY MS. DUNN:

21 Q Ms. Romero, you said that at some point when you and the  
22 other people that you were with were at the statue, that you  
23 heard something. Can you explain that?

24 A Yeah. We -- I just heard loudness, just like -- almost  
25 like thunder, like the world was -- the earth was growling,

N. Romero - Direct

1 essentially. I couldn't make it out at first. But yeah.

2 Q And did you hear any words?

3 A Eventually.

4 Q And when you did hear words eventually, what were they?

5 A "Blood and soil" was one of them. "White power" were  
6 others. You know, there was another one that I hate repeating  
7 because it just -- I, like, hear it in my nightmares. I hear  
8 it if the phone buzzes. I, like, literally hear the same  
9 cadence. The "you will not replace us" was very, you know --  
10 like, that one was just so terrifying. You could hear it the  
11 whole time, the cadence.

12 Q And after you heard the words that you just said, "you  
13 will not replace us" and "blood and soil" and "white power,"  
14 what did you do?

15 A Looked down. Closed my eyes. Prayed a little bit. I  
16 looked around. I was like, oh, my gosh. I didn't have  
17 anything to cover my face. I really wish I did cover my face.  
18 I was terrified.

19 Q And can you describe for the jury where, with respect to  
20 the statue, were you standing?

21 A So if you're standing at the steps of the Rotunda looking  
22 down, I am on the left side. And if you're on the street, I  
23 guess I'm on the other side.

24 Q And how close were you to the statue?

25 A Very close.

N. Romero - Direct

1 Q Do you remember who was standing next to you?

2 A There was a person to my left. I don't recall who. But  
3 to my right was Devin. And we were just holding hands. We  
4 just looked at each other like: It's okay, we're going to be  
5 okay.

6 Q And you earlier referred to "when they came." You said  
7 "they." Can you explain who you understood "they" to be at  
8 that time?

9 A The men and people with tiki torches.

10 Q And could you tell how many people with tiki torches there  
11 were from where you stood?

12 A Not at first, I guess. You wouldn't even understand the  
13 magnitude. They were coming from, like, either side, just  
14 like -- it felt like hundreds of people. Angry, upset, like,  
15 screaming, yelling.

16 Q I think it might help the jury if you describe physically  
17 where the Rotunda is with respect to the statue.

18 A The Rotunda is here, and the statue is down a couple of  
19 steps, I guess, series of steps.

20 Q And when you were looking from the statue up to the  
21 Rotunda, what did you see?

22 A The swarms of people coming down at us, just -- the sky  
23 was dark. Like with the flame, it was, like, lit up, but --  
24 you know what I mean, like dark and angry? It just felt like  
25 war. It literally was like a scene straight out of a movie



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1 swarming down towards us. And then we were like -- it just  
2 happened so quickly. They surrounded us so quickly. Yeah.  
3 It's not at all how I expected my night to go.

4 Q How did you expect your night to go?

5 A I have expected to, like, see some friends and go home and  
6 have a good night.

7 Q And you said earlier that you had wished that you brought  
8 something to cover your face with. Why do you say that?

9 A Because once they started to surround us they, like, kind  
10 of directly came at Devin and I. And they were saying very  
11 specific things to us. So I wish I covered my face, because I  
12 felt that I was going to be, like, followed later, or my  
13 family. You know, I just -- I felt that I was going to be very  
14 personally attacked. And I was, so -- yeah, I just wish I  
15 could have concealed myself more and protected me from what  
16 ended up happening later.

17 Q You mentioned just a second ago that certain things were  
18 said to you. Can you explain what you're talking about?

19 A Yeah. It was like, "Go back to where you came from."

20 "What the fuck are you doing here?"

21 "Stupid bitch."

22 Stuff like that.

23 Monkey noises.

24 Q Mrs. Romero, I'm going to ask you to look in the book you  
25 have in front of you at Exhibit PX2695.

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1 MS. DUNN: Your Honor, I think we can also put it on  
2 the screen for the witness, which might make it easier on her  
3 with the binder.

4 BY MS. DUNN:

5 Q Ms. Romero, do you see the photograph on the screen?

6 A Yes.

7 Q Do you recognize this photo?

8 A Yes.

9 Q Can you identify yourself in the photo? Just yes or no.

10 A Yes.

11 MS. DUNN: Your Honor, we'd move to admit PX2956 and  
12 seek permission to publish to the jury.

13 THE COURT: All right. Without objection, it's  
14 admitted.

15 MR. SMITH: No objection, Your Honor.

16 MR. KOLENICH: No objection.

17 (Plaintiff Exhibit 2695 marked.)

18 (Plaintiff Exhibit 2695 admitted.)

19 BY MS. DUNN:

20 Q Ms. Romero, can you identify yourself in this photo?

21 A Yes.

22 Q Can you explain where you are?

23 A Yeah. It's very light. You can see the back of my head,  
24 essentially. The screen, to me, I can't really see, but...

25 Q Can you see in your book?

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1 A Yes. If you can tell, there's Devin next to me. You can  
2 see his back.

3 Q Is this a photo from the Thomas Jefferson statue on the  
4 night of Friday, August 11?

5 A Yes.

6 Q Can you explain to the jury what they're seeing in this  
7 photograph?

8 A Well, they're seeing a group of students around the  
9 statue. As you can tell, it's basically surrounded 360.

10 Q Ms. Romero, I'd like to do the same thing with  
11 Exhibit 3011, which we can put up on the screen for you, and  
12 it's also in your book.

13 A Do I just not know how to use this?

14 But yes, I see the image on the screen.

15 Q You see it on the screen.

16 Is this also a photograph from the night of August 11th?

17 A Yes.

18 MS. DUNN: Your Honor, we move to admit and seek to  
19 publish PX3011.

20 THE COURT: Without objection, it's admitted.

21 MR. SMITH: No objections, Your Honor.

22 (Plaintiff Exhibit 3011 marked.)

23 (Plaintiff Exhibit 3011 admitted.)

24 BY MS. DUNN:

25 Q Ms. Romero, can you explain to the jury what you see in

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1 this photograph?

2 A Yes. So you can see the statue and the torch bearers all  
3 around us. You can see I'm where this bright blue light thing  
4 is. That was blinding me that day, like, oh, my gosh, that was  
5 so painful. I feel like right there you could see that  
6 something else is happening.

7 Q And at any point, Ms. Romero, did you consider leaving  
8 where you were at the base of the statue?

9 A Absolutely. Absolutely. I wanted to escape, run away.  
10 There is literally no way. There's no way I could do that.

11 Q And so what did you do?

12 A I tried to keep my head down. I felt like a mouse,  
13 trapped, like a Salem witch trial type, like I'm about to be  
14 burned at the stake, especially because it was so -- Devin and  
15 I were the only people of color on that side. And it was very,  
16 very obvious and very apparent. Like, they were screaming at  
17 us.

18 Q What, if any, violence did you observe yourself that  
19 evening?

20 A Well, they started to swing the torches in our direction,  
21 and I was like, okay, you know, there's literally nowhere that  
22 I can move to protect myself from them. I tried to jump up  
23 onto the statue, but -- like, if you were to stand there,  
24 there's literally no little platform or anything. And I'm  
25 wearing sandals. So I'm like, I'm going to get trampled.

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1 For reference, I'm 4'10" and a half. I'm tiny. And  
2 everyone just giant, screaming -- literally, the torches were  
3 like -- they were doing this. So I was like, they're about to  
4 hit me with this. And like, I wanted to move. I tried to  
5 move. But no -- I don't know why they did this, right, but  
6 like threw the torch at us and it landed at our feet. Like  
7 not -- I can't even say a foot. I'm saying like centimeters  
8 away from my foot.

9 So, that. I would say that. I would say the mace that  
10 was sprayed at us, because they were spraying mace at us. Mind  
11 you, we're not doing anything. We're holding hands. We were  
12 singing at first. Then it was like complete silence. Like,  
13 what do we -- like, what am I going to sing right now? I'm,  
14 like, terrified. The mace and then -- yeah.

15 Q Did you witness any physical violence?

16 A Yes. Yes. I saw, like, them attack people, yeah.

17 Q You said earlier that you couldn't get out. How long did  
18 that last?

19 A It felt like forever.

20 Q Did you eventually get out?

21 A Yes.

22 Q And how did that happen?

23 A I ran through where you see that sign, the students  
24 holding the sign, in that direction. I wish I could point it.  
25 But, like, through the front, and then tried to exit through

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1 the side this way, I guess. I can't show you, but...

2 Q And did you -- to what extent did you observe your friends  
3 try to leave as well?

4 A I was just like, which way? Like, how do we get out of  
5 here? How do we leave? And it's like, any direction you went,  
6 especially because they're very physical, it was like you  
7 couldn't really see an exit.

8 I don't know how they did it, but I just followed, you  
9 know, people. Like, we just covered ourselves and tried to run  
10 out. They were literally spraying, throwing stuff. I saw  
11 liquids. I saw them use the torches, violently swinging it.

12 Q After you got out, where did you go?

13 A So closer to the -- I guess if you're facing the Rotunda,  
14 the statue, closer to the left there's like a couple of -- I  
15 think they are benches, maybe. So I went to the other side  
16 because by then I had already been maced. So there was  
17 somebody in a wheelchair. So on my side there was somebody  
18 with a wheelchair next to -- like, on the edge. It was a  
19 student. So they were getting their eyes washed out. And then  
20 there was a couple of other people on the floor getting their  
21 eyes washed out, including me.

22 Q And what did you do after you left the Rotunda?

23 A To the side, they were chanting, they started to chant --  
24 "they" as in people with the torches -- started to chant and  
25 like -- like, yell victory kind of stuff. I wish I could

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1 remember exactly the words they were using, but they were  
2 really excited.

3 Yeah, I just stood there and watched that happen.

4 And then on the left side there were police that lined up  
5 and then started to tell people that they had to leave. So I  
6 saw that happen -- including us. They were like, everyone has  
7 to go. Yeah.

8 Q When you left, where did you go?

9 A I tried to go to the left side of the -- because I  
10 lived -- like, if I walked down the Lawn, I lived on the other  
11 side, essentially on the other street. So I went to the left  
12 side of the Rotunda and tried to make my way home.

13 Q What did you do when you got home?

14 A Couldn't eat. I didn't know what -- like, what the  
15 effects of the spray was. So I didn't know that, you know, you  
16 shouldn't shower. I got in the shower to cry. Like, I kind of  
17 sat there, and like, as the water is hitting me, it's just like  
18 reliving it all again, because it started to go back into my  
19 eye. It spread through my body, my entire body. And, yeah, I  
20 sat there in pain from the stinging of it. And I -- yeah, once  
21 I realized I was making it worse, I just kind of sat in the tub  
22 trying to make sense of what I had just witnessed.

23 Q Okay. So that was August 11th.

24 The next day is August 12th. And when you got up on  
25 Saturday morning, August 12th, what did you do?

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1 A I got ready and we made our way to like -- it's called the  
2 Bridge. It's actually where I ended up having my art exhibit  
3 the first time. And I think I might have gotten a coffee.  
4 Yeah.

5 Q And when you said you got ready, were you planning on, on  
6 August 12th, attending the events of that day?

7 A Yeah. Yeah. Well, students and, like, professors and  
8 other people had planned to have, like, little speeches and a  
9 couple of other things that they were going to do. So, yeah.

10 Q And why, after what happened on Friday night, did you  
11 still want to go to the events on Saturday?

12 A I mean, you know, who would have guessed that that would  
13 be how the day went? I just -- I figured because it was night  
14 time and that, like, that's why they felt that they could do  
15 that? I was like, well, there are not going to be torches  
16 tomorrow, I hope.

17 I wanted to be there to be with friends and students and  
18 people that, like, I cared about. I wanted to -- I love  
19 Charlottesville. I wanted to be there for the community and  
20 with the community, like -- yeah.

21 Q And did you go to Emancipation Park on August 12th?

22 A Which park is --

23 Q Emancipation Park.

24 A Yeah. I mean.

25 Q It used to be called Lee Park, if that helps.



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1 A Yeah, I mean, I didn't go into the park, but I walked past  
2 it.

3 Q And if you recall, what were you wearing on Saturday when  
4 you left your house?

5 A A pink UVA hat, a gray shirt, some black pants, black  
6 shoes and a purple, like, raincoat. I wanted -- that was it.  
7 The next day I was like, okay, I need a long sleeve because I  
8 don't -- I don't want to be maced again. I don't want to have  
9 any of that happen to me.

10 Q Did you have anything with you?

11 A I had a traditional small Colombian, like, satchel, I  
12 would call it. Like, little thing just to hold my phone.

13 Q Did you have any weapons with you?

14 A No.

15 Q Did you have anything in your bag you could use as a  
16 weapon?

17 A No.

18 Q Did you have with you a sign or a banner or a flag?

19 A No.

20 Q Did you have any bottles with you?

21 A No.

22 MS. DUNN: All right. I'd like to put on the screen,  
23 Your Honor, a demonstrative that we used in opening. It's a  
24 map that shows just where Emancipation Park and other places  
25 are.

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1 THE COURT: Go ahead.

2 MS. DUNN: Thank you. And with permission to publish  
3 this to the jury so that they can see it. We're just using  
4 this as a demonstrative. Thank you.

5 BY MS. DUNN:

6 Q Ms. Romero, you were here in opening, so you saw his too,  
7 presumably, but the jury has already seen this. It marks  
8 Emancipation Park and other places on the map. Please  
9 explain -- well, first of all, can you see where Emancipation  
10 Park is on the map?

11 A Yes.

12 Q Please explain to the jury from which direction you  
13 approached the park.

14 A I think I came in from the left side, down this street,  
15 because it was closer to my home.

16 Q And what did you see, if you can remember, when you  
17 arrived in the area of Emancipation Park?

18 A A lot of things. The barricades, you know, for the park,  
19 the entrance. I saw the groups of people that were inside and  
20 outside. So there was -- inside the park there were already a  
21 couple of the protesters with shields and other, like,  
22 uniformities that you would see. You could see the groups of  
23 them.

24 Then outside of the park, along the sidewalk, where there  
25 was no entrance, there were clergy, kind of like church-goers

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1 singing happy, like, church songs. I believe they might have  
2 been on the floor, some of them.

3 Q You believe what?

4 A They were on the floor, like just kind of along the  
5 sidewalk. They weren't blocking the street. They were just,  
6 like, in a line.

7 And then there was another -- on the other end there were  
8 groups of protesters that were coming in in lines. So they  
9 were coming in, like, uniformly, in single-file lines, kind of.  
10 And they were coming in with a lot of things. So I mean, do  
11 you want me to, like, just describe some of that?

12 Q I do.

13 First, though, I want to just make sure that we're on the  
14 same page when you say protesters and counter-protesters.

15 A Yes.

16 Q So when you say "protesters," who are you talking about?

17 A I'm referring to them, to, like, people who identify as  
18 neo-Nazis and other stuff.

19 Q When you say "counter-protesters," who are you talking  
20 about?

21 A Referring to the community members that were outside, the  
22 clergy, I guess. That would be counter.

23 I'm trying to also keep up with the words.

24 Q Yeah. I understand.

25 And when you say you saw clergy, did you see anybody that

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1 you recognized?

2 A There was a famous pastor in there and a couple of other  
3 folks.

4 Q What's the name of the famous pastor, if you know?

5 A It's on the tip of my tongue. You know, beard. I don't  
6 remember his name.

7 Q It's okay. And as far as you could see, did any people in  
8 the line of clergy you discussed have any weapons with them?

9 A No.

10 Q And based on what you saw, were they blocking the road?

11 A No.

12 Q And just a couple of minutes ago you said that you saw  
13 some protesters -- which I think we're all on the same page  
14 that you're talking about the white nationalists. Can you  
15 explain what you saw?

16 A I saw -- my God. I saw hammers. I saw makeshift poles.  
17 I saw a long, like, steel pole that didn't have anything on it.  
18 I saw a bunch of others with flags. You know, I saw a couple  
19 Texas flags, Confederate flags, flags with different symbols  
20 that I now kind of have actually learned to recognize them,  
21 unfortunately. Then I didn't know what they were. Shields of  
22 all kinds, makeshift, others that had, like, bats in the back,  
23 and then the shields. I saw white shields, all kinds of  
24 colored, like, things on them.

25 I saw people with camcords on their side, recording very

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1 specifically people's faces, people's faces that weren't doing  
2 anything, just kind of like -- what I learned to understand is  
3 the term "doxing," you know, getting people's identities. I  
4 saw, like, for example, one of the camcord recording persons  
5 had Hitler on his T-shirt. There was multiple people with  
6 Hitler on T-shirts, swastikas, lots of that. Lots of that.

7 Jugs. People were holding jugs of stuff.

8 So much. So much.

9 Q At any point that morning did you witness firsthand any  
10 physical violence?

11 A Yes.

12 Q Please explain.

13 A One of the filed lines that were coming in -- so there's a  
14 library in that corner. You could see it on where it says  
15 Emancipation Park, there's an intersection. It seemed that  
16 there was -- I don't know how many entrances there were for the  
17 protesters to go into the park, but a lot of people were trying  
18 to find their entrance, and then they would, like, line up in  
19 one way and then they'd have to walk around behind the clergy  
20 to the other entrance, or they would go, like, in front of them  
21 on the sidewalk.

22 I saw kind of like the shoving of certain clergy, of  
23 students. And then at that intersection right in front of the  
24 library, multiple instances right there. There was like --

25 THE COURT: It would be helpful on the Emancipation

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1 Park map for her to point out where she was, and then if you  
2 would read what the streets are, it would be okay. I don't  
3 think anyone just listening would know what she's talking  
4 about.

5 BY MS. DUNN:

6 Q Ms. Romero, did you hear the Court?

7 A Yes, to point. I don't know the names of the streets  
8 right now. I'm a little nervous.

9 MS. DUNN: Your Honor, we can put the streets up on  
10 the map, which might be helpful. I don't know that Ms. Romero  
11 will remember the specific names of the streets.

12 THE COURT: Well, she can point on the map. If she  
13 can put her finger where it is, I don't think there will be any  
14 disagreement what the street is from the map. Just so everyone  
15 knows where she was.

16 THE WITNESS: How should I show you?

17 MS. DUNN: That's a good question. Your Honor,  
18 how -- if she points to the map, how can we --

19 THE COURT: Well, if she would speak to the lower  
20 right-hand corner or...

21 MS. KAPLAN: Do you want me to look and then tell Mr.  
22 Shepherd?

23 THE WITNESS: There we go.

24 MS. DUNN: Okay. That's helpful. Can you all see?

25 THE WITNESS: A lot of violence at this intersection

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1 right here and right in front of the library. That's the  
2 library. So there's like --

3 BY MS. DUNN:

4 Q Is the library the building that looks red?

5 A Yes.

6 Q It's right across from the lower right-hand corner of  
7 Emancipation Park, there is a red building and sort of a  
8 columned entrance?

9 A Yes.

10 Q That's the library?

11 A Yes.

12 Q Okay.

13 A And so right there there's like the -- there's a lot of  
14 space in front of it before you get to the street. And then  
15 right there a lot of violence was happening in this corner from  
16 the park side, and then right here, like, when they were  
17 walking up, the protesters with their shields. So -- and then  
18 if you think of where the clergy was, they were just lined up  
19 right here-ish, like, in single file, facing and, like,  
20 singing. They weren't blocking the street. They were  
21 literally alongside the sidewalk, not on the sidewalk, right  
22 on -- like, right off of it.

23 So from this direction here where -- they believed that  
24 they had an entrance there. But I think that they had to go  
25 all the way around. They will confirm. I don't know. But

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1 they were here. There's, like, a set of steps. And so a lot  
2 of them were up there, like, throwing things into the crowd,  
3 throwing liquids, canisters, yelling, spitting on people, doing  
4 all kinds of stuff. And they had, you know, their shields,  
5 their signs, their flags, their poles, et cetera.

6 So a lot of people were coming from both directions, but  
7 the protesters would, like, come alongside this way, and some  
8 of them would go on the sidewalk or around. I think there was  
9 a truck there, like a news truck or something. And right  
10 around there, there was a lot of violence right there. They  
11 started to attack the counter-protesters. They attacked women.  
12 That was crazy. Like with the -- with the bats and, like,  
13 their makeshift -- because they were really makeshift like  
14 poles. Some other folks would, like, wrap whatever flag they  
15 have and just like -- I saw some of that in there. For  
16 example, the counter-protesters, there was some with, like --  
17 some with, like, an Obama picture. That's, like, random. But,  
18 like, people were just kind of, like, sitting there or  
19 standing. But yeah.

20 Q And you mentioned shields. What did you see with regard  
21 to the shields?

22 A A lot of stuff. I saw, you know, the Xs on the shields;  
23 other circular symbols that I didn't know. Yeah, I saw  
24 someone, for example, with a hammer; just, like, walking around  
25 with a hammer on their shoulders. Yeah.



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1 Does that answer your question?

2 Q Yes.

3 At any point that morning, and putting aside the car  
4 attack of later that day, did you personally experience any  
5 violence?

6 A Yes.

7 Q And can you explain what happened to you?

8 A Okay. Do I have to?

9 Q I am -- I am sorry to ask it, but yes.

10 A So at this intersection, I think there was -- I know that  
11 there was a white police car right there blocking the street.  
12 So there was a group of women alongside the cop car, not  
13 covering the whole street, just alongside the, like, police  
14 officer's car. When I saw the group of women, there was white  
15 women, you know, some older, younger, and I decided to join  
16 them at the very end of the line. So basically the end of the  
17 police car. There wasn't a lot. It was a small line.

18 I guess I was on the very edge of the police officer's  
19 car. So let's say this is the car. This table is the car.  
20 I'm, like, right here. And the protesters, in uniform, you  
21 could tell -- maybe there was, like, two different groups that  
22 were together, that's what it looked like, because they were  
23 different symbols. And when they saw us they're like, these  
24 bitches, et cetera. They were saying just really rude, ugly  
25 things about women.

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1 And they're like, we don't care -- I just don't want to  
2 repeat some of the language. But, like, "Run through them."  
3 Like, "It doesn't matter." Like, "These bitches are in the  
4 way." Other things like that. You know, honestly, I'm in this  
5 line thinking, I'm okay. We're a small group of women.  
6 They're not going to do anything. You know, why would they be  
7 violent to a group of women that are literally doing nothing?  
8 And especially because I'm in a group of white women. And I'm  
9 thinking, you know, I'm a light-skinned Latina. I'm like,  
10 maybe they won't notice. Right? I literally -- like, I don't  
11 look -- I'm not that many shades different than the women to my  
12 left.

13 You know, I just didn't -- I didn't see a reason why me  
14 being in that line would trigger them. But no, they came  
15 directly at me and spit on my face and called me really mean  
16 things and asked me what the hell I was doing there. And I  
17 should go back to where I came from. I'm from this country. I  
18 was born here, you know.

19 So yeah. And then they pushed me and they threw me  
20 against the cop car and they walked past me. They had no  
21 reason. No reason at all to even interact with a line of  
22 women, because there was plenty of space all around us. There  
23 was sidewalk. There was everything. You had so much space to  
24 go around. But no, no. I'm spit on. I got spit on by people  
25 who hate me and think that I should not be alive and that I

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1 threaten their existence.

2 I'm just trying to go to school, man. I'm just trying to  
3 get out of poverty. So I would say that's some of the  
4 violence. I would say that that's some of the violence before.

5 Q So you said that you were thrown up around the cop car.  
6 Can you explain a little bit about that and what happened after  
7 that?

8 A They went around us. It was like files of them. Someone  
9 like -- like, they directed each other to do that. Like, one  
10 of them was like, it doesn't matter. Like, do it. Da, da, da,  
11 da.

12 Did what they did. They were -- you know, they were  
13 so happy that they, like, ran through women like that for no  
14 fucking reason -- I'm so sorry to -- my language, but -- and  
15 they went around us. You know, I was just in shock. Like, you  
16 know, gentlemen, really? Like, what? I'm so -- I'm in shock.

17 After that, I turned, and I believe that the police  
18 had already started to say that it was an unlawful assembly.  
19 So I was hearing, like, loud noises, trying to make out what it  
20 was. You know, I thought that something else had happened.  
21 But then they were like, you know, you have to go. You'll have  
22 to leave. And so -- so I did. I walked in. I guess -- I  
23 think I walked in this direction. Oh, wait.

24 THE COURT: When she says "I walked in this  
25 direction," for the people who can't see that, you may point

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1 out from the map what you're saying.

2 THE WITNESS: Yes, Judge. I'm pointing it on my  
3 screen here.

4 THE COURT: Excuse me?

5 THE WITNESS: I turned the screen around.

6 THE COURT: I'm sorry. No. Just so they know.

7 BY MS. DUNN:

8 Q So when you say you walked in this direction, which  
9 direction are you talking about?

10 A Well, the library direction. So that way.

11 MS. DUNN: Your Honor, we've marked it on the screen.

12 THE COURT: Okay.

13 THE WITNESS: Yes, that's correct.

14 BY MS. DUNN:

15 Q So I really hate to ask you this, Ms. Romero, but I do  
16 want you to tell us: What are some of the things that were  
17 said to you?

18 A "Go back to where you came from" was, like, a very big one  
19 I heard multiple times.

20 At some point someone called me a "spic."

21 Yeah. And the other ones that I said earlier.

22 Q Okay. All right. So please explain what happened when  
23 you were walking in the direction that's identified on the map.

24 A Let's see. We -- "we" as in, like, the students that I  
25 was with, and others, like community members -- walked towards

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1 an area where there was swings.

2 Q And so at this point you're walking east on Market Street?

3 A Yes.

4 Q Okay. I'd also like you to look at Exhibit 2929, and we  
5 can put that on the screen for you.

6 THE CLERK: We need her to turn her monitor back  
7 around.

8 THE WITNESS: Right. Yeah.

9 BY MS. DUNN:

10 Q What is this?

11 A A message to one of the Posse scholars, the upperclassmen  
12 of Posse. I was telling Zaakir --

13 Q Before you read it --

14 MS. DUNN: Your Honor, we'd seek to admit Plaintiffs'  
15 Exhibit 2929 and publish it to the jury.

16 THE COURT: No objection?

17 MR. SMITH: No objection, Your Honor.

18 MR. KOLENICH: No objection.

19 MR. JONES: No objection.

20 THE COURT: It's admitted.

21 (Plaintiff Exhibit 2929 marked.)

22 (Plaintiff Exhibit 2929 admitted.)

23 BY MS. DUNN:

24 Q So the email on the screen is redacted to protect the  
25 privacy of the other people other than Mr. Romero on this

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1 email.

2 Ms. Romero, what is this?

3 A This is a message to some of the Posse people, so the  
4 upperclassmen of Posse, they were in Charlottesville that  
5 summer. They were resident advisors. So it's a group of --  
6 you know, they were checking in on me throughout the day. And  
7 Zaakir, I was letting him know -- it was, like, right after the  
8 incident with the cop car. So -- yeah.

9 Do you want me to read it?

10 Q Sure.

11 A "Yeah, well, the park is pretty insane right now. The  
12 now-Nazis [sic] released many bottles of tear gas and mace and  
13 did stampeded [sic] on us."

14 Obviously, like, grammatically, I'm not there. Like, I  
15 was just typing really fast and keeping people updated.

16 MS. DUNN: Thank you, Mr. Spalding. We can take that  
17 down.

18 THE COURT: We'll take a recess now for about  
19 20 minutes.

20 MS. DUNN: Thank you, Your Honor.

21 **(Jury out, 10:40 a.m.)**

22 (Recess.)

23 THE COURT: Call the jury.

24 **(Jury in, 11:00 a.m.)**

25 THE COURT: All right. Be seated, please.

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1 MS. DUNN: Thank you, Your Honor.

2 BY MS. DUNN:

3 Q Ms. Romero, I'd like to talk about the afternoon of  
4 August 12. But before I move to that, I just want to -- and I  
5 think you can remove your mask while you're speaking.

6 I want to go back and just ask you one thing to clarify.

7 When you were talking about the violence that you saw, was  
8 that inside Emancipation Park or outside Emancipation Park?

9 A Well, so -- okay. The park had metal barricades around  
10 it, kind of like where -- like, you know, where they could be,  
11 the -- the protesters could be. There's, like, a set of stairs  
12 there on the other side, outside of the barricade. So there  
13 was some stuff on that staircase. There was some stuff outside  
14 on the library, and, like, other stuff on the street.

15 Q But anything that you described earlier, did you -- and  
16 what of the acts of violence that you described earlier took  
17 place inside the park?

18 A None of it, I think.

19 Q Okay. So you had testified that you left Emancipation  
20 Park and you headed east on Market?

21 A Yes.

22 Q And eventually, did you end up at the intersection of  
23 Fourth and Water Streets?

24 A Yes, eventually. And before that, we were somewhere with  
25 a set of swings, eating oranges and kind of sitting, hanging

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1 out, drinking waters. People were just sitting in circles in  
2 groups, getting to know each other.

3 Q And how did you happen to end up at the intersection of  
4 Fourth and Water?

5 A At the park with the swing sets, someone started to let  
6 people know that the white nationalists were near Friendship  
7 Court. And so at Friendship, they were harassing people in  
8 that direction. So we were walking towards Friendship Court.

9 Q And when you got to the intersection of Fourth and Water,  
10 please describe what was going on.

11 A So I arrived from, I believe, the left side -- oh, it  
12 marked it.

13 So from that side. And then there was another group of  
14 people coming from this side. And they're people -- they were  
15 playing beats, and I heard cowbells for sure, cheerings and  
16 chantings and like -- because it was like two groups of people  
17 coming together. They weren't too large. I would say, you  
18 know, a good size of people coming towards each other,  
19 chanting. Like, you could tell that they were  
20 counter-protesters because they were wearing colorful stuff,  
21 had banners that said, like, nice things.

22 So yeah. People were just kind of happy to see each  
23 other. We were also like, you know, it was shut down. So,  
24 like, everything is fine. You know, kind of like, how are you  
25 all? Great to see you all.



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1 Q Please tell the jury, Ms. Romero, what happened after you  
2 turned up Fourth Street.

3 A Can you repeat the question?

4 Q Please tell the jury, Ms. Romero, what happened after you  
5 turned up Fourth Street.

6 A It happened very quickly. I -- I think I was taking a  
7 Snapchat video. Didn't keep the video, obviously, because I  
8 didn't get to finish the video, but I turned in very -- not too  
9 far into this way, I guess. Do you want me to describe  
10 essentially -- okay.

11 Okay. Someone said: "Turn left." I don't know who. We  
12 started making a left. I go in. Really quick -- it was like  
13 (indicating) -- you hear someone like -- you heard, like, the  
14 commotion, like -- I couldn't tell what it was, but I was  
15 pretty close to the front, so -- it all happened so quick.

16 Do I keep going?

17 Q Yes, please.

18 A Okay.

19 Q You can take your time.

20 A Yeah, there was -- we passed by other vehicles. People  
21 inside were smiling and like, "ooh." Like, they were clearly  
22 trying to make their way through. I was on the left side,  
23 like, not blocking the cars, just walking.

24 I'm passing a -- kind of like a black truck. I'm like --  
25 with Chelsea. And -- yeah, and then I get hit, and, like, the

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1 next thing I know is just darkness.

2       You know in movies when it's like (indicating sounds), and  
3 like that. Like, I could hear my heart beating. You know  
4 those war scenes where they're having, like -- they were just  
5 hit or something, and it's just flashing. And I couldn't see  
6 too much, but I felt dripping on my face. And I'm like, I need  
7 to call my mom, I need to call my mom, because what I was  
8 feeling in that moment is like, what's happening? One, what  
9 just happened to me? Two, I felt that if I -- like, if I  
10 closed my eyes further or if I stood still that I was just  
11 going to, like, fall into -- into, like, a sleep. I was like,  
12 if I fall asleep -- it's something that -- you know, in  
13 trainings we were taught that all the time: Keep  
14 consciousness. Keep your consciousness, because you could die.

15       So that's what I thought was about to happen. I thought  
16 that I was about to die. Like, I was like, these are my last  
17 seconds of breath. I need to call my mom right now. I  
18 couldn't stand, though. So I'm just, like, aimlessly, like,  
19 waving my arms, what I feel.

20       I'm on the other side of the truck. So I clearly, like,  
21 he hit me and I was in the middle somewhere, like, of the back  
22 of the truck part. So what I feel happened was that he hit me  
23 with his car, because I was hit directly by the car, not in  
24 between or by any other vehicle. I flipped and then I slid.  
25 So I think I hit, boom, like, boom, like this, and then I

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1 flipped on the side and then the side like that, like the  
2 impact, you know, just...

3       Somebody -- I heard someone pull me. And like -- I felt  
4 it obviously, but someone pulled me. So that's -- I believe  
5 that if I hadn't been pulled, he would have run over my legs.  
6 I had other friends whose legs were run over. So I believe  
7 that would have been the case.

8       Yeah, he -- the flashes, the noise. Someone -- a lot of  
9 people are trying to talk to me. A lot of people are trying to  
10 keep me awake. Other people were asking what I needed, if I  
11 needed anything. I don't know what I need. I don't know  
12 what's happening. I don't know what just happened to me. I  
13 just know that I need my phone. I need to call my mom. I lost  
14 my phone. No one had it. No one could find it.

15       And then they pulled me to the sidewalk where there was a  
16 pole. I was holding the pole because I -- I just wanted to lay  
17 down. I just -- but I knew if I laid down I would fall asleep.  
18 And if I fell asleep, I might not wake up. So I'm just going  
19 to hold onto this fucking pole. I'm just going to hold onto  
20 the pole.

21       And then someone was helping me. A lot of people were  
22 helping me. Some of that is a blur. And then someone is  
23 speaking in Spanish to me. Other people are doing other  
24 things. And then two people familiar to me picked me up and  
25 were like, we need to take you to the ambulance. But the

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1 ambulance wouldn't be able to make its way towards me. And I  
2 couldn't walk. So they kind of like -- I had both arms on  
3 people's shoulders and they took me.

4 Is that enough?

5 Q Thank you. When you say the ambulance couldn't make its  
6 way to you where you were, why do you say that?

7 A Because there was people on the ground and stuff. So...

8 Q And at the moment that you described, did you really  
9 understand what had happened?

10 A No, not yet.

11 Q Ms. Romero, I'd like you to look at Plaintiffs' Exhibit  
12 3044.

13 MS. DUNN: Your Honor --

14 BY MS. DUNN:

15 Q Ms. Romero, do you recognize this picture?

16 A Yes.

17 MS. DUNN: Your Honor, we'd like to admit and publish  
18 to the jury PX3044.

19 THE COURT: Any objection?

20 MR. JONES: No objection.

21 MR. SMITH: No objection, Your Honor.

22 (Plaintiff Exhibit 3044 marked.)

23 (Plaintiff Exhibit 3044 admitted.)

24 BY MS. DUNN:

25 Q Ms. Romero, what is the jury seeing in this picture?

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1 A They're seeing some strangers pouring water on the wound,  
2 yeah.

3 Q You say they're strangers. Strangers to you?

4 A Yes.

5 Q Did you ever find out who they are?

6 A No. I wish. I wish I did.

7 MS. DUNN: I'll ask Mr. Spalding to show Ms. Romero  
8 Exhibit PX3029, which should also be on the screen in front of  
9 you.

10 BY MS. DUNN:

11 Q Do you recognize this photograph?

12 A Yes.

13 Q What is it?

14 A It's me with -- after they Band-Aid my hair -- or my head.  
15 Yeah, they wrapped it and they're wiping the blood off of my  
16 face and wiping some of the injuries on the rest of my cheeks.

17 MS. DUNN: Your Honor, we'd seek to admit PX3029 and  
18 publish it to the jury.

19 THE COURT: It'll be admitted without objection.

20 MR. JONES: No objection.

21 MR. SMITH: No objection, Your Honor.

22 (Plaintiff Exhibit 3029 marked.)

23 (Plaintiff Exhibit 3029 admitted.)

24 BY MS. DUNN:

25 Q And Ms. Romero, if you could look in your book at PX3044.

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1 A 3044?

2 Q Yeah. 3034.

3 A 3034. Got it. Yes. Yes, that's me.

4 MS. DUNN: Your Honor, we'd seek to admit 3034 and  
5 publish it to the jury.

6 THE COURT: All right. Be admitted without  
7 objection.

8 (Plaintiff Exhibit 3034 marked.)

9 (Plaintiff Exhibit 3034 admitted.)

10 BY MS. DUNN:

11 Q And Ms. Romero, please explain to the jury what they're  
12 seeing in this photograph.

13 A They're wiping my face. I'm holding onto that pole. It's  
14 my ROTC watch. You face it towards you. This is actually the  
15 image that my mother was shown to identify me. She couldn't  
16 identify me in the other photos. I think maybe she just didn't  
17 want to believe that she could see her daughter with all that  
18 blood. She said, "I don't know what she was wearing. That's  
19 not my kid." But once she saw this one, it was confirmed  
20 because of my watch.

21 Q And you said earlier that the ambulance could not reach  
22 you because there were people, I think you said all over the  
23 place. Can you explain what you saw all around, if you recall?

24 A Chaos. Blood. People didn't know what to do. It was  
25 terrifying. It was, like, straight out of like -- you've seen

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1 domestic terrorism before in the news or random places that  
2 weren't in my life, you know. That's what that was. That's  
3 what it looked like. Chaos.

4 Q And you said that, ultimately, two people walked you to an  
5 ambulance. Did you know any of those -- either of those  
6 people?

7 A Yes.

8 Q Who were they?

9 A Pretty sure it was Chelsea. Poor Chelsea. I think  
10 Chelsea couldn't even walk. She was like, "Where's Natalie?"  
11 And my other friend Luca.

12 Q And you testified that you were trying to stay awake. At  
13 any point did you lose consciousness?

14 A I -- we were walking past people. I could see the  
15 ambulance. Once they grabbed me and put me -- like, sat me  
16 down, I lost consciousness then.

17 Q And when you say -- you refer to Chelsea, are you speaking  
18 about Chelsea Alvarado?

19 A Unfortunately, yeah.

20 Q And do you remember where you were when you regained your  
21 consciousness?

22 A I regained consciousness in the hospital.

23 Q Mr. Spalding, we can take that photo down. Thank you.

24 When you woke up at the hospital, what was your physical  
25 situation?

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1 A I'm -- my neck is casted. So there's something white  
2 around me. Parts of my legs were casted up.

3 I'm sorry. I forgot your question.

4 Q When you woke up at the hospital, what was your physical  
5 situation?

6 A Right. Yeah. I was there. Yeah, I was -- yes, there was  
7 all kinds of stuff on my arms. I didn't realize it until later  
8 when I asked to be taken to the restroom, my entire back looked  
9 like Freddy Krueger, just (indicating) gone through my back. I  
10 asked one night when I was there -- at first I couldn't even  
11 remember, like, who I was for a second. Like, I'd say, what  
12 happened to me? What happened? No one really wanted to tell  
13 me.

14 When I woke up there was -- I came in and out multiple  
15 times, but there was some of the Posse Scholars that I  
16 described to you, my scholarship folks, the upperclassmen Posse  
17 people were there. I asked them and the nurse that was there,  
18 like, am I -- you know, what happened to me? And they said,  
19 Nat, you were hit by a car. And then I asked them, am I going  
20 to be able to walk? Do you know if I have a spinal injury? Is  
21 that what this is? Am I paralyzed? Like, because I couldn't  
22 walk. Is this like -- am I -- yeah. No one answered me. No  
23 one answered. Everyone just stared at me. No one could say  
24 yes, no, not the nurse, anyone.

25 So I just sat there crying and fell back asleep until, you



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1 know, it was like maybe the fourth time that I woke up that  
2 they said that it was going to be difficult, but they think I  
3 was going to be able to walk. And then I found out I had like  
4 MRIs and all this stuff done to me while I was unconscious.

5 Q And please describe at that point what injuries you had.

6 A So the -- was a skull fracture right here. And they,  
7 while I was unconscious, stitched it up. So there's multiple  
8 stitches you can see and feel right here. It's now flat.  
9 There's no curve to this part of my forehead anymore.

10 I had -- the tooth right here was fractured. So there  
11 was -- it shattered the root of my tooth right next to the -- I  
12 think it's the molar, right? This one? So that's dead.  
13 That's a dead tooth in me now. It was pushed back and the  
14 impact of the tooth and everything cut open my lip. So I had  
15 multiple stitches also done while unconscious. It was, like,  
16 ginormous. I couldn't drink water. I couldn't drink anything  
17 hot. I could barely eat.

18 So that's boom, boom (indicating). I had stuff -- you all  
19 can't really see it, but I have scars here. That's, like, a  
20 dark -- and here. And I think it's because I tried to stop  
21 myself. On instinct I tried to cover my face. But, you  
22 know...

23 And then I have cuts and bruises all over my knees, my  
24 shins. There was -- yeah, they had stuff on my legs. So there  
25 was some leg injury there, back, et cetera. So I had, what it

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1 was is a severe concussion, skull fracture, lip laceration, the  
2 shattered root of a tooth, amongst other things.

3 Q And Ms. Romero, I'm going to ask you to look at  
4 Plaintiffs' Exhibit 3043. Do you recognize that?

5 A Yes.

6 MS. DUNN: Your Honor, we'd seek to admit Exhibit  
7 3043 and publish it to the jury.

8 THE COURT: It will be admitted without objection.

9 (Plaintiff Exhibit 3043 marked.)

10 (Plaintiff Exhibit 3043 admitted.)

11 BY MS. DUNN:

12 Q Ms. Romero, please explain to the jury what they are  
13 seeing in this photograph.

14 A You can kind of see the big scratch on my forehead. They  
15 were covering where they had just stitched up the fracture, my  
16 skull fracture. So you can see there was stuff on my nose, on  
17 the bridge here of my face, there was a whole bunch under here,  
18 under my chin.

19 This is a selfie I took later. I actually couldn't use my  
20 phone for a couple hours when I woke up. I couldn't remember  
21 the password to my phone. I panicked because, like, I didn't  
22 get my phone until hours after I had regained consciousness. I  
23 lost, like, memory of the day and couldn't even figure out my  
24 password. So I was like -- that sent me into a panic. How can  
25 I not remember my password? Like, what is it? How can I

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1 forget something that I use every single day?

2 And then the lip, it literally -- it was like a tumor  
3 inside my mouth, ginormous. Like, that doesn't even -- if I  
4 had taken any photos of how it looked inside, it was  
5 disgusting.

6 There was also stuff on my ears. You can't see it in this  
7 picture, but -- yeah.

8 Q And I'll ask you to look at Plaintiffs' Exhibit 3033. Is  
9 this another picture along the lines of what you just  
10 described?

11 A Wow. Yeah.

12 MS. DUNN: Your Honor, we move to admit Exhibit 3033.

13 THE COURT: Will be admitted without objection.

14 (Plaintiff Exhibit 3033 marked.)

15 (Plaintiff Exhibit 3033 admitted.)

16 BY MS. DUNN:

17 Q Ms. Romero, how long did you stay in the hospital?

18 A Two days. Two days.

19 Q And will you take a look at 3037. Is this you?

20 A Yes.

21 MS. DUNN: Your Honor, move to admit 3037 and publish  
22 to the jury.

23 THE COURT: It will be admitted.

24 (Plaintiff Exhibit 3037 marked.)

25 (Plaintiff Exhibit 3037 admitted.)

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1 BY MS. DUNN:

2 Q What is this picture?

3 A It's after they allowed me to shower.

4 Q And did you also take this photo?

5 A Yes.

6 Q If you'd look at 3032.

7 A Also this one is the next day.

8 You said 3032?

9 Q Uh-huh.

10 A Yes.

11 Q Is this you?

12 A Yes.

13 MS. DUNN: Your Honor, we move to admit and publish  
14 3032.

15 THE COURT: It'll be admitted.

16 (Plaintiff Exhibit 3032 marked.)

17 (Plaintiff Exhibit 3032 admitted.)

18 BY MS. DUNN:

19 Q Is this another photo that you took at the hospital?

20 A Yes. Sorry.

21 Q How do you -- I know this is hard. How does it feel to  
22 look at these photos today?

23 A I haven't seen these pictures in so long. It feels -- I  
24 can feel the tumor in my mouth. Yeah, it's hard, you know,  
25 gross.

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1 Q Okay. So you said that you spent two days in the  
2 hospital. Please describe to the jury your physical state when  
3 you left the hospital.

4 A I had to leave in a wheelchair. The same person that you  
5 showed earlier that I -- Zaakir, when I let them know that I  
6 had just been thrown onto the car, the cop car, Zaakir  
7 instantly booked my grandma a flight. It was very nice of  
8 them, you know. So the next day my grandma was there, and I  
9 was in a wheelchair. It's her, a couple other folks. And  
10 yeah, I'm on, like, so many meds at that point, I just wanted  
11 to sleep all the time. I'm, like, half-awake, half --  
12 half-present.

13 Q And where did you stay after you got out of the hospital?

14 A I think when I left we realized that I couldn't go to my  
15 apartment. So -- I had just moved out on my own. It was my  
16 first place. So I think I arrived the 11th. So I really  
17 didn't have any time to arrange my bed, fix anything. The only  
18 thing that I did was set up my -- it was like a lofted bed. I  
19 wanted to have, like, a desk space underneath where I could  
20 work.

21 It was a small bedroom. I just wanted to have enough  
22 space in my room. I had a futon. So I had a futon. I wanted  
23 a nice little sofa in my room. And my lofted bed. I couldn't  
24 get up there. I couldn't raise myself up. I couldn't stand up  
25 on my own. I couldn't get up from a seat on my own. So I

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1 wasn't able to go to my apartment.

2 Q And so where did you stay?

3 A At first I went to a friend's house. They took care of me  
4 there. They had a shower that you could put a seat in it, so I  
5 went there. That's where I -- I couldn't shower standing up.  
6 So I stayed with them for a couple of days.

7 And then my college counselor from EMERGE that I applied  
8 to my freshman year of high school -- she really supported me  
9 through the entire process of scholarships, writing my  
10 essays -- so Ms. Noreen came and she got us a hotel. So I  
11 stayed with her until I got a bed. So she's the one that took  
12 me after I stayed at my friend's house. I went with her. And  
13 then my grandma had to go back. My grandma had to work. So  
14 she took care of me.

15 She took me to a Mattress Firm so that I could -- it's  
16 just so silly. It was, like, wheelchair Nat with sunglasses  
17 all the time, like, in the middle of Mattress Firm buying my  
18 first bed.

19 Q If you could take a look at Plaintiffs' Exhibit 3035. Do  
20 you recognize this?

21 A Yes.

22 MS. DUNN: Your Honor, move to admit and publish  
23 3035.

24 THE COURT: It will be admitted.

25 (Plaintiff Exhibit 3035 marked.)

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1 (Plaintiff Exhibit 3035 admitted.)

2 BY MS. DUNN:

3 Q Ms. Romero, is this a picture you took?

4 A Yes.

5 Q Please explain to the jury when you took this picture.

6 A This is maybe a week and a half later, or less. I'm at  
7 the hotel. Yeah. Oh, you could see the way that my sides --  
8 the side of my chin had been impacted, the gashes, just so  
9 ugly. It was so bad. I still had the bruising on my eyes.  
10 Yeah.

11 Q You said earlier that you were diagnosed with a skull  
12 fracture, that you had stitches in your forehead for that.  
13 What, if any, related issues did you have as a result of your  
14 skull fracture?

15 A Everything -- the skull fracture, okay. Sensitivity to  
16 brightness. So even honestly, even this paper hurts to look  
17 at. These lights above me, they hurt. Because of it I had  
18 severe dizziness. I would stand up and the world just moved  
19 around me. It hurt to read. It hurts to -- it hurt to do  
20 anything. I couldn't focus. There's more, I guess.

21 Q If you could take a look at Plaintiffs' Exhibit 2970 and  
22 tell me if you recognize this. I think it's a text message.

23 A Yeah, to my godparents.

24 MS. DUNN: Your Honor, move to admit 2970 and publish  
25 to the jury.

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1 THE COURT: It will be admitted.

2 (Plaintiff Exhibit 2970 marked.)

3 (Plaintiff Exhibit 2970 admitted.)

4 BY MS. DUNN:

5 Q So this is a message you're writing on August 14th to  
6 somebody named "Papa Bear"?

7 A Yeah.

8 Q Can you explain what you're saying?

9 A "I can't talk on the phone. It hurts."

10 That's that Monday. Yeah.

11 Q If you could look at Plaintiffs' Exhibit 2928. Is this an  
12 email you wrote?

13 A Yes.

14 MS. DUNN: Your Honor, move to admit and publish  
15 Exhibit 2928.

16 THE COURT: It will be admitted.

17 (Plaintiff Exhibit 2928 marked.)

18 (Plaintiff Exhibit 2928 admitted.)

19 BY MS. DUNN:

20 Q And Ms. Romero, you're writing this to somebody named  
21 Andrea. Who is Andrea?

22 A Andrea is the Posse -- she was assigned to my cohort of  
23 Posse. She works at the Comm School at UVA.

24 Q And what was her relationship to you?

25 A She was like an academic advisor, counselor.



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1       Additionally, the school kind of put her and another dean  
2 in charge of helping me with getting accommodations and therapy  
3 from the school, et cetera.

4 Q       And is Andrea's last name Roberts?

5 A       Yes.

6 Q       If you could look at Exhibit 2937, do you recognize this  
7 text message to somebody named Brian?

8 A       Yes.

9               MS. DUNN: Your Honor, move to admit and publish  
10 PX 2937.

11              THE COURT: It will be admitted.

12              (Plaintiff Exhibit 2937 marked.)

13              (Plaintiff Exhibit 2937 admitted.)

14 BY MS. DUNN:

15 Q       In this text message you say, "Also I have a mean  
16 headache"?

17 A       Yes.

18 Q       And the message is sent in November of 2017.

19       How long did your headaches last?

20 A       I would say they haven't really stopped. But the severity  
21 of them, the way -- like, oh my gosh. They wouldn't -- it hurt  
22 to hear myself speak.

23       I still have that stuff, where my own voice is  
24 uncomfortable to hear.

25       The headaches -- yeah, the headaches really didn't go

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1 away. They just got less severe, I guess, and less constant.

2 Q To what extent, if at all, did they prevent you from doing  
3 the things that you did before the accident?

4 A Completely.

5 Q All right. Please explain that.

6 A I'm a big reader. Reading, I can't really do that  
7 anymore.

8 I work on my laptop a lot, as you will in college. I had  
9 to ask for permission to -- like, also, I can't afford to go  
10 and print out everything. So I had to ask for accommodations  
11 so that, if my classes had a bunch of readings that they would  
12 send you the PDFs for and they just expect you to read them,  
13 like, on the computer, I would ask them to have that all  
14 printed out for me.

15 Books that they sent you online, instead I asked them to  
16 give me those books in person. That way I could, like, take  
17 better breaks and not look at the screen.

18 I had to change everything on my phone, everything on my  
19 laptops, to be yellow and to be on dark mode, so that they  
20 don't hurt as much.

21 I had to make the lettering bigger so that I could see  
22 them without straining my eyes.

23 I lost a lot of basic things. Like, just inability to be  
24 outside in the sun, really, because it causes a bigger  
25 headache. Inability to run. I swear that my brain is, like,

N. Romero - Direct

1 jumping with me if I try to jump or move or do anything. It's  
2 like -- yeah, I can't do that anymore.

3 Q Did you seek medical treatment for the headaches?

4 A Of course.

5 Q Would you take a look at Plaintiffs' Exhibit 2955?

6 Is this a text that you sent?

7 A Yes.

8 Q Or an email?

9 A I think it's a text.

10 MS. DUNN: Your Honor, seek to admit PX2955 and  
11 publish to the jury.

12 THE COURT: It will be admitted.

13 (Plaintiff Exhibit 2955 marked.)

14 (Plaintiff Exhibit 2955 admitted.)

15 THE WITNESS: And, like, you can tell -- so much of  
16 it -- also just lost my ability to even message properly, I  
17 guess. Like...

18 BY MS. DUNN:

19 Q If you would look at PX2968, is this a similar message  
20 that you wrote in February of 2018?

21 A Yes, in the same group chat.

22 MS. DUNN: Your Honor, seek to admit and publish  
23 2968.

24 THE COURT: It will be admitted.

25 (Plaintiff Exhibit 2968 marked.)

N. Romero - Direct

1 (Plaintiff Exhibit 2968 admitted.)

2 BY MS. DUNN:

3 Q Did you receive, Ms. Romero, medical treatment for issues  
4 with your eyes?

5 A Yes.

6 Q Did you have issues also with your balance?

7 A Yes.

8 Q Please explain.

9 A Yeah, balance was hard. Even after I got off the  
10 wheelchair and even after I stopped using the cane, it was  
11 really hard to balance myself. It made me more clumsy, you  
12 know? I bump into a couple more things. I drop a lot of stuff  
13 now. Things fall out of my hands. Things that -- you know,  
14 wouldn't normally occur.

15 For that, I saw -- they told me that the concussion threw  
16 off the crystals in my ear, the crystals that sit right on top  
17 of your -- the little hairs in your ear so that you can have  
18 your balance. If they're knocked off, that's what causes you  
19 to have the dizziness and the lack of balance, mobility. So I  
20 had to see a therapist that would just lay there with my head  
21 in her lap and, like, move my head like this to try to realign  
22 the crystals in my ear. That was a specialist for the -- there  
23 were specialists that just did that.

24 There was a specialist that just worked on my eyes. And  
25 that one was me sitting in a dark room retraining my eyes over

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1 and over. And I saw them multiple times a week, not just once,  
2 so that they could help me regain -- like, you know, the  
3 ability to scan things and move my eyes to the side was just  
4 slower and more difficult.

5 Q You mentioned that you left the hospital in a wheelchair  
6 and you just mentioned a cane.

7 Can you please explain to the jury when you got out of the  
8 wheelchair and when you used the cane?

9 A I had the wheelchair for two months, and the cane, I used  
10 it for a couple of months afterwards. At least they gave me,  
11 like, a nice cane. The doctors gave me a rose gold cane so  
12 that it was in style.

13 Q Did you have ongoing issues with your legs?

14 A Yes. I still do.

15 Q And did you seek medical attention for that?

16 A Yes. Physical therapy and other.

17 Q And if you could take a look at Plaintiffs' Exhibit 2972.  
18 And do you recognize this text message?

19 A Yes.

20 MS. DUNN: Your Honor, seek to admit and publish  
21 Exhibit 2972.

22 THE COURT: It will be admitted.

23 (Plaintiff Exhibit 2972 marked.)

24 (Plaintiff Exhibit 2972 admitted.)

25 BY MS. DUNN:

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1 Q Ms. Romero, here you're texting that your -- you say: "My  
2 teeth hurt because I got hit on that side of my mouth."

3 Could you explain to the jury whether you have received  
4 medical attention related to your teeth?

5 A Yes.

6 Q And you also mention that your lip was lacerated in the  
7 car attack. How has that affected you?

8 A So the medical treatment part is I had to get a root  
9 canal, but we didn't realize until about a month later that it  
10 was actually an issue of the tooth and not the lip. I thought  
11 it hurt because of the lip, and I thought I had just been cut,  
12 but it turned out that it was, like, the entire tooth.

13 So when I went to see the doctor, you know, he was like,  
14 well, we can't do the root canal now because your laceration  
15 has to heal before we can really move forward with the rest of  
16 your treatment.

17 In high school I had braces. So, you know, I worked  
18 really hard for those braces. It was actually -- you know, one  
19 of my biggest insecurities were my teeth. And I feel like --  
20 you know, I tried to seek -- or, like, I tried to get the  
21 dentist to do that, but they told me that it was, you know,  
22 just aesthetic. It's not going to be covered because it's  
23 about aesthetics. So I worked to get that done. And it --  
24 actually my godfather and, like, my ROTC instructor and my  
25 National Honor Society and English professor, they surprised me

N. Romero - Direct

1 with the money, like, the cash, literally, to go to the dentist  
2 and get it done. So they took me to get braces my senior year  
3 of high school.

4 Yeah, so I had just gotten my braces removed, I think  
5 August of 2016, right before coming to college, because ROTC  
6 required you to not have any braces. So I got them out and I  
7 had, you know, walked around a freshman with a new set of  
8 teeth. All that money, for what? Like, now the tooth -- like,  
9 I don't think you all can really see it, but the tooth isn't  
10 aligned with the rest. It's back. And it's a different color  
11 than the rest of my teeth.

12 And it's just -- you know, I worked really hard for -- I  
13 didn't work that hard for that. But, you know, it was just,  
14 like, something that, obviously, I had already done. I figured  
15 with -- I had already had my fight with my appearance, and  
16 then -- like, if I can get them realigned, I will one day in  
17 the future.

18 Q Have the issues with your appearance affected, and to what  
19 extent, your confidence?

20 A So much. So much. And I would even say it's beyond that.  
21 It's not just about the appearance, right? Like, the  
22 confidence issues now are, like, inside. Like, speaking --  
23 yeah. Being myself.

24 I didn't -- when I came here and I was one of the few  
25 Latinas at UVA -- there's not a lot of us -- I worked really

N. Romero - Direct

1 hard to not hate myself for that. I'm already hated enough. I  
2 worked really hard to fit in in Charlottesville and Virginia, a  
3 place very different from Houston. My confidence was  
4 destroyed. I knew more and more that I am this other person.  
5 I'm a brown woman in this school. Like, now I know it more.  
6 So it's beyond the appearance, you know.

7 I can live with my scars. I have to. But I hate it.  
8 And, like, people ask me if I was born with a cleft lip. They  
9 ask me what -- what is that? Like, my goddaughters will ask  
10 me, like, what happened to your face? What is that thing on  
11 your face? Especially at the beginning, that big circle.  
12 Like, there was the scratches, but the circle in the middle was  
13 where the stitches were. And that was just so ugly. I mean,  
14 you saw it. That was ugly. They were just, like, disgusting.  
15 They were healing so nasty.

16 Q Ms. Romero, I'll ask you to take a look at Plaintiffs'  
17 Exhibit 3326 and ask you if you recognize this as your  
18 certified medical records?

19 A Yes.

20 MS. DUNN: Your Honor, we move to admit 3326.

21 THE COURT: It will be admitted without objection.

22 (Plaintiff Exhibit 3326 admitted.)

23 (Plaintiff Exhibit 3326 admitted.)

24 BY MS. DUNN:

25 Q Ms. Romero, I'd like you to tell the jury how, if at all,



N. Romero - Direct

1 your injuries affected you academically.

2 A That semester -- I'll start from there, I guess -- I was  
3 really excited to start my second year. I was planning on  
4 double-majoring. So I was kind of looking at the options of  
5 what I wanted to double-major in. I had already fulfilled my  
6 language requirement because I passed the Spanish placement  
7 exam. So I wanted to learn another language. So I had  
8 enrolled into Arabic and I had just spent the summer kind of  
9 trying to learn Arabic through peers.

10 So I was taking Intro to Arabic. I was taking a whole  
11 bunch of other classes, some classes that would have allowed me  
12 to double-major. I didn't. I didn't end up being able to.

13 I also applied to a program that would allow me to study  
14 abroad, so I was planning on studying abroad for an entire  
15 semester, but I couldn't do any -- and the study abroad  
16 programs was really cool because, since I was already fully  
17 scholared, I would have been able to do those programs at a  
18 very low cost, like, basically nothing out of pocket. It was  
19 being covered by the university. So that was -- you know, I  
20 missed all the opportunities to really do that, like a big  
21 study abroad program, because I needed to be on campus or on  
22 grounds for the semesters.

23 Also, I had applied to a study abroad program just for  
24 January. UVA does that. You can do January terms and they'll  
25 send you for, like, two weeks to -- around the world, honestly.

N. Romero - Direct

1 I had applied to one to go to Nicaragua to work with nurses.  
2 It was a health class. So I was actually thinking about doing  
3 nursing. And so I was in, like -- you know, I had some of the  
4 Intro to Nursing classes. That's out of the window. I  
5 wasn't -- I couldn't do those classes.

6 Like, one, they were so early that -- I was completely  
7 turned off my routine, right? Mind you, before this, I'm,  
8 like, someone who took school super-seriously. I got made fun  
9 of all the time for it. You know, I was like -- I was odd. I  
10 loved history. I loved school. I loved everything. So I had  
11 a routine where I ate healthy, I slept good, I exercised, et  
12 cetera, and I believe that all of that really is directly tied  
13 to how you're going to study and how you're going to live. So  
14 not being able to be in my routine really destroyed my  
15 academics.

16 And I worked super hard, super, super hard, to not be  
17 taken out of classes that year. And I worked really hard in  
18 general, right, afterwards, but -- yeah, I had to withdraw  
19 medical -- medical withdrawal from school. Essentially,  
20 Ms. Andrea and the other deans were helping me. I had let them  
21 know that I would start school a week after the -- after school  
22 started. So I think when that weekend happened, I think we had  
23 one more week without school, and then we started. So I was  
24 like, give me a week, just a week, and I'll get back on track.  
25 I really -- I genuinely believed that I was going to be able to

N. Romero - Direct

1 go to school.

2 One, the scholarship doesn't carry over. So if I didn't  
3 take my scholarship money that semester, it wasn't going to  
4 roll over to another semester, and I couldn't afford that. And  
5 I definitely didn't want to risk that. So I tried to go back  
6 to classes. They changed my entire schedule to things that  
7 were basically unrelated to what I wanted to study because they  
8 wanted an easy course load on me. And there's, like, a  
9 mindfulness class. I was like, what am I doing here? I need  
10 to go study, like, serious things. But I couldn't even do the  
11 mindfulness class, really. I could barely do the readings for  
12 the class.

13 Other people tried to help. Other people tried to help  
14 me, like, push through the semester. I tried it for about a  
15 month -- August, September, October -- actually, two months, I  
16 tried to go to school. And, you know, they were being helpful  
17 with the accommodations, et cetera, but honestly, it wasn't  
18 like -- it wasn't even just like, oh, my eyes hurt. It was  
19 like, I'm having nightmares. I'm not having nightmares about  
20 being run over; I'm having nightmares about chants. I'm having  
21 nightmares of torches. You know what I mean? It was so much  
22 other stuff.

23 And in combination with, like, continuously having to deal  
24 with it because people were coming back to Charlottesville  
25 multiple times and doing other things, it was like, I don't

N. Romero - Direct

1 feel safe in Charlottesville. I don't feel safe in my home. I  
2 don't feel safe in my own bed. Like -- so it was such a big  
3 combination of things that, like -- yeah.

4 So I ended up taking medical leave in October. Like,  
5 October 25th.

6 Q And when you say people were coming back to  
7 Charlottesville, what are you talking about?

8 A I have to explain? You know, as in --

9 Q Just briefly so the jury understands who you're talking  
10 about.

11 A Oh. Yes.

12 Protesters that had come -- that had come on the 11th and  
13 the 12th came back multiple times. In, like, the months after  
14 August 11th and 12th, they came back. So at times they did  
15 other kind of mini-rallies, and they did other things, like,  
16 at -- at UVA, and they did other things in Charlottesville and  
17 they just -- yeah.

18 Q Ms. Romero, if you'll look at PX2987. And do you  
19 recognize this as a text or email that you wrote?

20 A 87? I'm sorry. This screen is hard.

21 Q It could be my fault. 2987.

22 A Yes.

23 MS. DUNN: Your Honor, we'd seek to admit and publish  
24 2987.

25 THE COURT: It will be admitted.

N. Romero - Direct

1 (Plaintiff Exhibit 2987 marked.)

2 (Plaintiff Exhibit 2987 admitted.)

3 BY MS. DUNN:

4 Q Ms. Romero, this is an email or a text where you say, "I'm  
5 taking a medical withdrawal. I was hit by the Nazi here in  
6 Charlottesville two months ago and a lot has been going down  
7 here. I just need the break."

8 A Yes.

9 Q Is that a text or an email that you sent?

10 A I think this might have been a text -- or an email.

11 Q And who is this to?

12 A It might have been -- I think it might have been a school  
13 person, an admin.

14 Q And did UVA eventually grant your medical leave?

15 A Yes.

16 Q Did you graduate on time?

17 A No.

18 Q As somebody who testified that you received multiple  
19 merit-based scholarships to college, how did it feel to have to  
20 withdraw from school?

21 A Terrible. It was like, this is completely knocking me off  
22 of my path, you know. I always had a path. I always had a  
23 plan. Like, what's next, you know? Always on my feet.  
24 Well...

25 Q At any point, did you seek counseling or therapy following

N. Romero - Direct

1 the car attack?

2 A Yes.

3 Q And what, if any, diagnoses did you receive?

4 A Acute stress, anxiety, PTSD, amongst -- yeah.

5 Q And what symptoms did you have related to your PTSD and  
6 acute anxiety?

7 A I would have panic attacks and flashbacks. Like, my heart  
8 would literally fall out of my chest sometimes.

9 I couldn't do certain things. I couldn't go to certain  
10 places. I didn't leave my house. I hated walking outside by  
11 myself. I couldn't be in a car. So I really didn't go to the  
12 grocery store much.

13 Honestly, it made me like -- I started to, like, starve  
14 myself. Like, I literally do not want to leave. I will stay  
15 here. I will lock myself in this room. A lot of isolation.

16 Triggers. I have steps -- steps that I do now to calm  
17 myself. And they can happen randomly, and anywhere. Honestly,  
18 like someone can be clapping and I'm like, oh, my God, I'm  
19 going -- I'm having a heart attack, is what it feels like.

20 Q Did you have these problems prior to August 11th and 12th?

21 A No.

22 Q And you mentioned that you had learned various methods to  
23 cope with your acute stress and the PTSD. Anything else that  
24 helps you cope with this today?

25 A Yes.

N. Romero - Direct

1 Q What?

2 A The day that I got to Houston, when I did my medical  
3 leave, I asked my mom if I could get an animal so that I had,  
4 like, a reason to go outside and do things and get out of bed.  
5 And she agreed. I knew she hated the idea of having a dog in  
6 the home, but she allowed me to. So she took me to get a puppy  
7 that was a rescue.

8 Q And I'll ask you to look at Plaintiffs' Exhibit 2952.

9 A Yeah.

10 Q And is this a letter from your counselor or therapist  
11 saying that you will need to travel now with an emotional  
12 support animal?

13 A This is actually from the doctor that was assigned to me  
14 afterwards. She's the one who kept up with my stuff.

15 But yes, this is her kind of referencing the PTSD and the  
16 functional limitations and, like, explaining my rights now.  
17 "As a result of the post-traumatic stress, Natalie has certain  
18 functional limitations related to motivation and anxiety. In  
19 order to assist in alleviating these difficulties and to  
20 improve her ability to fully access and use a dwelling unit on  
21 her own and/or manage, etc., I am prescribing an emotional  
22 support animal."

23 MS. DUNN: Your Honor, we move to admit PX3025 [sic].

24 THE COURT: Admitted.

25 (Plaintiff Exhibit 2952 marked.)

N. Romero - Cross

1 (Plaintiff Exhibit 2952 admitted.)

2 BY MS. DUNN:

3 Q What's the name of your support animal?

4 A Her name is Luna. It means "moon."

5 Q Is she here with you in Charlottesville?

6 A Yes.

7 Q Why did you make the decision to come to Charlottesville  
8 and testify here today?

9 A Because I'm crazy? No.

10 I think I've spent four years locked in my home. I'm  
11 sorry. I just -- I've spent a lot of time hiding and isolating  
12 myself from the world. I'm just here to tell the truth. I  
13 want closure. I want to move on. I want to be normal.

14 MS. DUNN: Thank you, Ms. Romero. We appreciate very  
15 much your testimony today.

16 THE WITNESS: Thank you.

17 THE COURT: All right. Who wants to...

18 MR. KOLENICH: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. KOLENICH:

21 Q Hello, Ms. Romero. Do you know who Jason Kessler is?

22 A Yes.

23 Q Did you see him on August 11, 2017 at the torchlight  
24 march?

25 A I don't know.



N. Romero - Cross

1 Q Do you know who Nathan Damigo is?

2 A Now, yes.

3 Q Okay. Did you see him at the torchlight march on  
4 August 11, 2017?

5 A I wouldn't know.

6 Q Do you know what the group Identity Evropa's flag and  
7 uniform look like?

8 A Can you show me?

9 Q I don't have one to show you today, but I'll describe it  
10 for you. It is a light blue in color with an upside-down  
11 triangle on it, white.

12 It's okay if you don't.

13 A Okay.

14 Q You don't recognize that?

15 MS. DUNN: Objection, Your Honor.

16 THE WITNESS: Yeah, I mean, I do.

17 THE COURT: Overruled.

18 BY MR. KOLENICH:

19 Q Did you see that flag or anybody with that symbol on their  
20 shirt on August 11th, 2017?

21 A If you showed me what the shirts look like, I could tell  
22 you. I'm sorry. There were so many things happening.

23 Q I will withdraw the questions about the --

24 A Okay.

25 Q -- documents I can't show you right now. So each of the

N. Romero - Cross

1 last two questions are withdrawn, Your Honor.

2 Moving to August 12th, 2017. Did you see Jason Kessler?

3 A I'm not sure.

4 Q Did you see Nathan Damigo?

5 A I'm not sure.

6 Q Ms. Romero, is it fair to say that the evidence you have  
7 against Jason Kessler was developed during this lawsuit?

8 Let me ask again -- I'll withdraw that.

9 A Show me the evidence.

10 Q Well, all the evidence that you were just looking at when  
11 your lawyer was talking to you, you didn't know any of that  
12 before you filed the lawsuit, did you?

13 A What do you mean? Like, what evidence? I'm sorry.

14 Q It's okay. I'm not trying to confuse you. I'll withdraw  
15 that one, too.

16 A Okay.

17 Q Why do you think Jason Kessler had anything to do with  
18 your injuries?

19 A Like, because of the plannings.

20 Q And what do you know --

21 A My injuries.

22 Q Go ahead.

23 A No, go ahead.

24 Q What do you know of your own personal knowledge about the  
25 plannings?

N. Romero - Cross

1 A I mean, I was a student then, and I, multiple times, like,  
2 students know all about him. So, like --

3 Q So you're referring to things you heard from other  
4 students?

5 A I'm referring to things that he did in, like, relationship  
6 to UVA, I guess.

7 Q Okay. And what specifically do you mean by things that he  
8 did?

9 A I mean speeches and other things. I don't know, like -- I  
10 really don't know how to answer your question. I'm sorry.

11 Q It's okay.

12 Are you saying that because he gave speeches, that that  
13 caused your damages?

14 A No. No. Of course not. But in whatever he was doing,  
15 like -- I think, like, that would be a nonrelated question for  
16 me to answer, honestly.

17 Q I think I understand. What you mean is it's the stuff  
18 online; is that right?

19 A I would say it's, like, the planning and, like, other  
20 things that he -- like, that led to it.

21 Q Okay. And you learned about those things, the planning  
22 and the other things, you learned about that with the people  
23 helping you with the lawsuit; is that right?

24 A Not -- not necessarily. It's like -- that's kind of like  
25 stuff that's in the open.

N. Romero - Cross

1 Q Okay. Now, the stuff that's in the open, are you  
2 referring to Internet communications or what he did in the  
3 community?

4 A I think what he did in the community.

5 Q Okay. But you're not saying that what he did in the  
6 community is what caused your damages, are you?

7 A I think what I'm -- I would say more is like how it -- how  
8 the events occurred, maybe, and the planning. Just, like --  
9 I'm sorry.

10 Q It's okay. It is what I'm trying to get at: What do you  
11 know yourself about the planning that Jason Kessler engaged in  
12 for August 11th and 12th?

13 A I mean, at this moment I can't, like, pinpoint stuff, but  
14 if you were to show me maybe some of his -- like, if you were  
15 to show me some of the stuff, I could tell you, you know.

16 Q If I could show you some of the Internet communications,  
17 for instance, you could talk about them, maybe?

18 A And, like, other things that he planned, you know what I  
19 mean?

20 Q I have to admit, I don't.

21 A I'm also, like, confused.

22 Q You sued Jason Kessler in October of 2017; do you remember  
23 that?

24 A October of when?

25 Q 2017.

N. Romero - Cross

1 A Okay.

2 Q So what did you know in October of 2017, if you remember,  
3 about what Jason Kessler did to cause your injuries?

4 A I really don't know how to answer.

5 Q I guess all I'm trying to get at is you got help with this  
6 lawsuit, right? There's a lot of people that have helped you  
7 with the lawsuit, the lawyers, their staff, those kind of  
8 people?

9 A Of course.

10 Q So is it fair to say that what you know about what Jason  
11 Kessler did was developed by these people helping you with the  
12 lawsuit?

13 MS. DUNN: Objection, Your Honor.

14 THE WITNESS: Yeah, like, it's like there's multiple  
15 layers to that.

16 THE COURT: She can testify only, you know, to what  
17 she saw, and all she's testified to was her own experience and  
18 what -- she hasn't said anything on direct about Mr. Kessler  
19 whatever. So of necessity she wouldn't --

20 MR. KOLENICH: Yes, sir, Your Honor.

21 THE COURT: The jury has to decide the case on the  
22 evidence. The fact that she didn't know who all was involved  
23 in this thing at the time it happened or even at the time she  
24 filed -- I mean, she doesn't personally have to know all the  
25 details to file a lawsuit. She knew she was hurt. She knew

N. Romero - Cross

1 the car struck her and she knew enough, and it's obviously the  
2 complaint is filed -- prepared and filed by lawyers.

3 MR. KOLENICH: Yes, sir, Your Honor. Ordinarily I  
4 wouldn't be asking any of these questions, obviously. But in  
5 this case they're going to say, well, she saw the Nazis and  
6 Kessler was among them. So the fact that she didn't see them  
7 is meaningless. I'm just trying to make sure she actually  
8 didn't see them.

9 THE COURT: Well, okay. You can ask her if she saw  
10 that, but otherwise, it's just -- you're asking her to  
11 speculate.

12 MR. KOLENICH: All I'm trying to say is she doesn't  
13 personally know what Jason Kessler did and what she does have  
14 against him is these online communications. That's it.

15 THE COURT: But she can call other witnesses to  
16 testify.

17 MR. KOLENICH: Of course she can. Just for her --  
18 (Overlapping speakers.)

19 THE COURT: She doesn't have to have personal  
20 knowledge.

21 MR. KOLENICH: For this witness, that's all I was  
22 trying to get at.

23 THE COURT: All right.

24 MS. DUNN: Objection also to scope, however.

25 THE COURT: There's no such thing as that when you're

N. Romero - Cross

1 dealing with a plaintiff. Go ahead.

2 BY MR. KOLENICH:

3 Q All right. Ms. Romero, you heard the conversation between  
4 myself and the Court. Do you have anything to add to what  
5 you've already said about what you do or don't know about Jason  
6 Kessler's activities, these planning activities?

7 A No.

8 Q And do you have anything to add to what you've already  
9 said about what you know about Nathan Damigo's planning  
10 activities?

11 A No.

12 MR. KOLENICH: Thank you. No further questions.

13 THE COURT: All right. Thank you.

14 Mr. Spencer.

15 CROSS-EXAMINATION

16 BY MR. SPENCER:

17 Q Good morning. Thank you for your testimony.

18 Did you know about Richard Spencer; that is, myself,  
19 before the events of August 11th and 12th?

20 A Yes.

21 Q You did? So you -- did you read about them maybe online  
22 or in a newspaper or on social media?

23 A From multiple different things as well.

24 Q Okay. Could you have recognized me?

25 A I confused you all the time.

N. Romero - Cross

1 Q Confused me with -- with whom? Or could you elaborate on  
2 that a little bit? Confused me?

3 A Like, I knew your face, but I didn't really, like -- like,  
4 sometimes I confused you with other people.

5 Q Okay. That's fair. Would you have recognized me more or  
6 less during the events of August and 11th -- or, excuse me,  
7 August 11th and 12th?

8 A (No verbal response.)

9 Q Okay. That's fair.

10 You attended the torchlight rally on August 11th. Did you  
11 at any point see me during those activities?

12 A I don't remember who I really saw. Like, if I saw  
13 pictures of people, maybe I could, you know, but --

14 Q Well, I understand that, but you seem to at least have a  
15 pretty good familiarity with what I look like. Did you see me  
16 at all during that torch rally?

17 A What were you wearing that night?

18 Q I was wearing a blue shirt.

19 A If you showed me, like, maybe what you looked like, I  
20 could --

21 Q Well, I'm right here.

22 A No, no, no. What you looked like that day, because --

23 Q You couldn't maybe imagine a blue shirt?

24 (Overlapping speakers.)

25 I understand. That's fair.



N. Romero - Cross

1 On -- during the events of August 12th, did you see me at  
2 all during that day or at any point?

3 A I'm not sure that I paid attention to look. Uh-uh.

4 Q Okay. You testified -- returning to Friday, you testified  
5 that you were just trying to -- excuse me.

6 You were just trying to go to school. And you testified,  
7 I think, about Saturday that you wanted to see your friends and  
8 so on. On that Friday night, how did you end up in front of  
9 the Rotunda at the Jefferson statue? I didn't understand quite  
10 how you ended up there.

11 A I'm not sure who -- upperclassmen, maybe, I think saw  
12 something. We also saw that -- or it seemed that an  
13 altercation had happened at the -- at, like, Walmart. I think  
14 someone tweeted about it. I'm not sure. But students knew  
15 that something was going to happen, and so I -- I showed up  
16 there with a friend.

17 Q When you say something was going to happen, could you be a  
18 little more specific, please?

19 A Oh, that -- that people were going -- or that the  
20 protesters were going to be by the university. So we just kind  
21 of showed up.

22 Q Okay. So you were -- you wanted to seek out the  
23 protesters is what I understand.

24 A No. But --

25 Q Well, I mean, if you -- so the Friday night torchlight

N. Romero - Cross

1 rally was not publicly announced, but you have just testified  
2 that you heard about it from a friend who might have seen it  
3 online, news of it, a leak or something --

4 A Twitter or something.

5 Q Twitter. Sure.

6 So you then proceeded to go to the torchlight rally?

7 A Right.

8 Q After learning about it?

9 A I didn't know that there would be torches.

10 Q That's fair enough.

11 A As you can see from that day, I was wearing shorts, flip  
12 flops, a green shirt. Like, in no ways was I trying to meet  
13 protesters. I was just -- you know, it's your school. I'm  
14 walking distance, really. I just wanted to witness it for my  
15 own eyes.

16 Q Okay. Okay. Perhaps we got hung up on the word "meet."  
17 I'm not saying that you wanted to shake hands with them or  
18 perhaps talk to them. I don't know. Maybe you did want to  
19 talk to them. I don't know. But you did want to be around  
20 that gathering, and you heard about something that was not  
21 publicly announced. You heard maybe a rumor on Twitter from a  
22 friend and you wanted to be close to it.

23 A Well, I wasn't sure if it was or not publicly announced.

24 Q That's not relevant, but you wanted to be there to see it,  
25 in your words. You wanted to see a spectacle of some kind, or

N. Romero - Cross

1 maybe get your word in here and there?

2 A I mean, I would say it's kind of like the reason I picked  
3 Virginia, for example. I wanted to be close to the White  
4 House. I wanted to be able to see inaugurations and people  
5 give speeches. So --

6 Q Okay.

7 A To me, it was historical in a way as well, you know. So I  
8 just wanted to see it.

9 Q So you wanted to see with your own eyes what might have  
10 been a historical event?

11 A Yeah.

12 Q That's a fair representation. I noticed you were holding  
13 up a banner that said, if I'm correct, "UVA students against  
14 white supremacy"?

15 A I wasn't holding the banner.

16 Q Oh, you weren't holding the banner, but you were around  
17 that?

18 A Uh-huh. I was at the other side.

19 Q Okay. Is that an organization?

20 A (No verbal response.)

21 Q It was a kind of informal --

22 A Yeah, no, there was no organization.

23 Q There was no actual organization.

24 Okay. Did you know the people holding that banner?

25 A One of them, I think.

N. Romero - Cross

1 Q Okay. And so they had a kind of ad hoc group that wanted  
2 to be a counter-protester to the Unite the Right rally. Is  
3 that a fair representation?

4 A I would say maybe, yeah.

5 Q So you wanted to witness an historical event, and maybe  
6 you wanted to get your own word in there, say, "we disagree  
7 with you, get the hell out of town," or something like that.  
8 Is that fair? Or what would you have said if you had had the  
9 chance?

10 MS. DUNN: Objection.

11 THE COURT: Sustained. Well, overruled. I mean, go  
12 ahead. Answer the question, please. If you don't have to  
13 speculate, if there was something on your mind you wanted to  
14 say that night.

15 THE WITNESS: I guess there wasn't something I wanted  
16 to say, honestly.

17 BY MR. SPENCER:

18 Q Okay. So you wanted to, in your words, witness an  
19 historical event.

20 A Yeah.

21 Q So you've testified that you felt intimidated by the  
22 Friday night gathering?

23 A Yes.

24 Q And you were scared and it -- after you went home, why did  
25 you go to Charlottesville on Saturday the 12th after your

N. Romero - Cross

1 experience?

2 A I mean, Saturday was supposed to be like people gathering  
3 to sing and stuff. Like, people had planned little things at  
4 another park.

5 Q So you wanted to take part in a kind of counter-protest  
6 group where there would be maybe some protesting, maybe some  
7 songs, maybe some networking and fun even?

8 A I suppose.

9 Q Okay. I don't dispute your injuries and your suffering,  
10 for the record. What makes you think that I was involved with  
11 the car attack or car incident that led to your terrible  
12 injuries? What makes you think that I was maybe involved in  
13 that?

14 MS. DUNN: Objection, Your Honor. Same basis as the  
15 objection to Mr. Kolenich's question.

16 THE COURT: Well, he can ask if she knows anything.

17 MR. SPENCER: Do you -- okay.

18 THE COURT: You can ask her what she actually knows.  
19 But obviously the lawsuit is put together -- I think it's a  
20 rather dangerous question. But anyway, you can -- you can just  
21 cross-examine her about anything that she says she observed.

22 MR. SPENCER: Okay.

23 BY MR. SPENCER:

24 Q So you have just testified a minute or so ago that you did  
25 not see me on August 12th. And you've also testified that you

N. Romero - Cross

1 knew about me, so you -- fair to say that you could have  
2 recognized me, a good chance of recognizing me?

3 A I would say it's less than 50.

4 Q Okay. Decent chance that you might recognize me; is that  
5 fair?

6 A (No verbal response.)

7 Q Okay. But you did not see me on August 12th, as you have  
8 testified?

9 A (No verbal response.)

10 Q Did you --

11 A I would also remind you that the injury that I had that  
12 day blurs a lot of things. So, for example, if you were to  
13 show me what you were doing that they, I could say yes, I  
14 remember that. But, you know, it's kind of hard.

15 Q Okay.

16 A I could say yes or no, you know.

17 Q When the -- the car incident occurred, did you believe  
18 that I was responsible or involved? You didn't see me. Did  
19 that -- did you believe that I was responsible?

20 A For the car?

21 Q Yes.

22 A I can't say.

23 Q You can't say?

24 A (No verbal response.)

25 MR. SPENCER: No further questions. Thank you.

N. Romero - Cross

1 THE COURT: All right. Members of the jury, I think  
2 it's a good time to take a break. We will recess now until  
3 1:30. Do not discuss the case with anyone or allow anyone to  
4 discuss it with you during the lunch break. We'll come back at  
5 1:30.

6 **(Jury out, 12:24 p.m.)**

7 (Recess.)

8 THE COURT: All right. What's next now? Do we have  
9 an issue before the cross-examination?

10 MS. DUNN: Excuse me?

11 THE COURT: Do we have an issue before we start the  
12 cross examination? Mr. Cantwell?

13 MR. CANTWELL: Plaintiff can go first, of course. Go  
14 ahead.

15 THE COURT: I mean, I thought there was a matter  
16 about authenticating something. That's what I'm talking about.

17 MS. DUNN: Yes, Your Honor.

18 One question that will be an ongoing issue in the  
19 case is how on cross-examination, or even direct examination,  
20 to have witnesses authenticate video and audio. So, for  
21 example, if somebody -- if the attorney is cross examining a  
22 witness and wants them to authenticate a video that they're in,  
23 you can't do that without playing the video or audio.

24 THE COURT: Well, is there any reason -- I mean,  
25 unless it can't be -- if you know whether it can be

N. Romero - Cross

1 authenticated or not, why not agree on it? Why go through just  
2 the exercise?

3 MS. DUNN: Yeah. That makes sense, and I think for  
4 our witnesses that will work.

5 I know that Mr. Cantwell has questions about  
6 exhibits. I have not seen them, and I don't know that they can  
7 be authenticated by this witness. So we should work out a  
8 protocol, perhaps now, to look at Mr. Cantwell's exhibits and  
9 see if they can be authenticated by this witness.

10 THE COURT: Can you tell us what they are?

11 MR. CANTWELL: I can, Judge.

12 THE COURT: Excuse me. I'm sorry.

13 MR. CANTWELL: I'll go. Okay. It's Christopher  
14 Cantwell. The issue that the plaintiffs were just raising I  
15 brought up during the break. And it's a thing that -- I'm not  
16 sure -- I might need to use later. I actually don't need it  
17 for this witness, but while I was getting my tech support  
18 lesson, I realized I can play a video for the witness without  
19 playing the video for the jury. As long as I mute the audio,  
20 nobody will hear that audio.

21 The challenge that I anticipate might come up later  
22 is that there seems to be no way to play audio only for the  
23 witness. Every time I play audio, I can play it for the  
24 courtroom or I can play it for nobody. And as a technical  
25 question, I don't know the answer to it.



N. Romero - Cross

1 I don't anticipate it's going to be a problem during  
2 this cross-examination.

3 THE COURT: Well, if we don't need it with this  
4 witness, let's go with this witness.

5 You can talk to Scott about some way to do it.

6 MR. CANTWELL: As for the authentication of the  
7 exhibits, I have primarily the exhibits which I produced to the  
8 plaintiffs in January of 2020. There are videos which I  
9 believe Ms. Romero is in, and I believe they could be  
10 authenticated by me asking Ms. Romero if that's an accurate and  
11 fair depiction of her at the event. And Ms. Romero has had  
12 some trouble remembering some things, it seems, and I thought  
13 this might help refresh her memory about some questions that I  
14 might have.

15 THE COURT: How long are these? I mean, can you go  
16 right to her?

17 MR. CANTWELL: I'm sorry?

18 THE COURT: Can you get right to her in the picture?

19 MR. CANTWELL: I may need to cue things up a little  
20 bit. It's going to be a little clumsy. I've never done this  
21 before, but I think I can reasonably -- do it in a reasonable  
22 time.

23 THE COURT: I mean, we just can't sit here for an  
24 hour waiting for her to appear.

25 MR. CANTWELL: I don't anticipate it to be that much

N. Romero - Cross

1 trouble, sir.

2 THE COURT: All right. Well, okay.

3 Let's call the jury back. We'll do what we can.

4 THE CLERK: Judge, just to let you know, Mr. ReBrook  
5 wants to do cross-examination next.

6 THE COURT: All right. Mr. ReBrook next?

7 MR. CANTWELL: And if I may, one more thing before  
8 the jury comes in -- it's Christopher Cantwell. If there are  
9 challenges which might take more time, then maybe it might be  
10 appropriate for me to just re-call the witness when I put my  
11 case on. It seems like a reasonable thing to do.

12 THE COURT: Well, maybe so. Maybe it can be worked  
13 out before then.

14 MR. CANTWELL: Okay.

15 THE COURT: All right. Call -- Mr. ReBrook is going  
16 to be next.

17 Call the jury.

18 **(Jury in, 1:40 p.m.)**

19 THE COURT: All right. The next attorney to  
20 cross-examine is Mr. ReBrook. He's calling in.

21 And, Mr. ReBrook, if you would tell the jury your  
22 name and who you represent, and then you may proceed.

23 MR. REBROOK: Yes, Your Honor.

24 This is Edward ReBrook. I represent Mr. Jeff Schoep  
25 and the National Socialist Movement.

N. Romero - Cross

1 THE COURT: All right.

2 MR. REBROOK: Can everyone hear me?

3 THE COURT: Yes. Very well. Thank you.

4 MR. REBROOK: You're welcome.

5 CROSS-EXAMINATION

6 BY MR. REBROOK:

7 Q Ms. Romero, can you hear me?

8 A Yes.

9 Q Ms. Romero, I want to thank you for your testimony. I  
10 know it can't be easy to relive the trauma you've experienced,  
11 and I have no desire at all to exacerbate that trauma. So I'm  
12 going to keep this very brief.

13 I have two questions.

14 The first is: Do you recall seeing Mr. Jeff Schoep at the  
15 torchlight march?

16 A I would need to see his face real quick.

17 MR. REBROOK: Would it be possible to show the  
18 witness Mr. Schoep's image?

19 THE COURT: Do we have that available? Anyone?

20 MS. DUNN: Your Honor, we have an image that was on  
21 our opening slides, if that would be of assistance.

22 THE COURT: Well, who knows? Why don't you put it  
23 up? And that's all we've got.

24 MS. DUNN: That's what we have.

25 THE WITNESS: I'm not sure.

N. Romero - Cross

1 THE COURT: All right. That's the answer.

2 Mr. ReBrook? Did he go off?

3 MR. REBROOK: Hello?

4 THE COURT: If you're back, you may ask the next  
5 question.

6 MR. REBROOK: I'm here. Can you all hear me?

7 THE COURT: Yes.

8 BY MR. REBROOK:

9 Q Okay. What I asked is, Ms. Romero, can you differentiate  
10 between the different logos, the different group symbols of the  
11 various defendant organizations, such as the National Socialist  
12 Movement, whatever other groups were there, Vanguard America,  
13 League of the South, et cetera?

14 A A little bit, I think.

15 MR. REBROOK: That's all I have. Thank you.

16 THE COURT: All right. Thank you.

17 Who is next, then? Cantwell?

18 CROSS-EXAMINATION

19 BY MR. CANTWELL:

20 Q Hello, Ms. Romero. Are you going to be okay?

21 Do you recall who told you about the torchlight march on  
22 the August 11th evening?

23 A No.

24 Q Did you tell Mr. Spencer that you might have heard about  
25 it on Twitter?

N. Romero - Cross

1 A Yes.

2 Q Did you also tell Mr. Spencer that you heard something  
3 about an altercation at Wal-Mart?

4 A Yes.

5 Q Can you tell me about the altercation at Wal-Mart, what  
6 you heard about it?

7 A Not much. That was all I knew.

8 Q Did you hear that somebody pulled a gun on somebody?

9 MS. DUNN: Objection, Your Honor.

10 THE COURT: Overruled. I mean, we'll see where it's  
11 going.

12 BY MR. CANTWELL:

13 Q Do you recall hearing that somebody pulled a gun on  
14 somebody at Wal-Mart?

15 A No.

16 Q Do you follow Emily Gorcenski on Twitter?

17 A No.

18 Q Do you know who Emily Gorcenski is?

19 A I believe she's a trans woman from the community.

20 Q Have you ever met Emily Gorcenski?

21 A I don't think so.

22 Q Have you ever heard of the website itsgoingdown.org?

23 A No.

24 Q Have you ever heard of the Twitter account  
25 AntifaSevenHills?

N. Romero - Cross

1 A No.

2 Q You didn't see anybody carrying any weapons at the  
3 University of Virginia on August 11th, any of the  
4 counter-protesters?

5 A No.

6 Q Okay. Did you notice anybody wearing all black? Anybody  
7 wearing sunglasses at night?

8 A Not sure. I'm sorry.

9 Q Do you know who Lindsey Elizabeth Moers is?

10 A No.

11 Q Do you know who Thomas Massey is?

12 A I don't think so.

13 Q Do you know who Mike Longo, Jr. is?

14 A No.

15 Q Do you know who Thomas Keenan is?

16 A No.

17 Q Do you know who Sean Liter is?

18 A No.

19 Q Do you know who Tyler Magill is?

20 A No.

21 Q Do you know who Holly Zoller is?

22 A No.

23 Q And did you see -- on August 12th, did you see anybody in  
24 your company carrying any weapons?

25 A No.

N. Romero - Cross

1 Q Did you see anybody wearing helmets?

2 A I think I saw a black helmet.

3 Q You saw a black helmet?

4 A I saw -- yeah. And I saw a yellow helmet, but I think  
5 those were from the torch bearers.

6 Q I'm sorry. I'm talking about August 12th now. I'm sorry.

7 A Oh. Yes. I saw lots of helmets on the 12th.

8 Q So you saw lots of people wearing helmets on the 12th.

9 And those would be people you would categorize as  
10 counter-protesters?

11 A Yes -- or no. Protesters.

12 Q I'm sorry. You would categorize the people with the  
13 helmets as protesters?

14 A Yes.

15 Q So they would be the Unite the Right attendees who were  
16 wearing the helmets?

17 A Yes.

18 Q And the counter-protesters, it's your testimony that they  
19 weren't wearing helmets?

20 A I wouldn't, like, know.

21 Q You wouldn't or you don't?

22 A I wouldn't know.

23 Q Maybe I should rephrase the question. I'm sorry.

24 Did you see anyone who you would categorize as a  
25 counter-protesters wearing helmets on August 12th?

N. Romero - Cross

1 A No.

2 Q Okay. Did you see anyone that you would categorize as a  
3 counter-protester wearing goggles on August 12th?

4 A No, I don't think I saw goggles.

5 Q Did you see any counter-protesters on August 12th carrying  
6 flagpoles?

7 A I'm sorry. Repeat the question.

8 Q Did you see any counter-protesters on August 12th carrying  
9 flagpoles?

10 A No.

11 Q Okay. Did you see any counter-protesters on August 12th  
12 carrying signs?

13 A Yes.

14 Q Do you -- do any of those signs stand out in your memory?

15 A No. No, not that I can think of right now.

16 Q Do you recall a sign with a raised red fist?

17 A No.

18 Q No? Does the symbol of a raised red fist mean anything to  
19 you?

20 A No.

21 Q You said that you moved to Virginia because you want to be  
22 near the White House?

23 A Yes.

24 Q So you have an interest in politics, then?

25 A I like history.



N. Romero - Cross

1 Q I'm sorry?

2 A I like history.

3 Q You like history?

4 A Yes.

5 Q What about politics? That's current events, right?

6 A I mean, I wouldn't say I'm very into politics.

7 Q No?

8 A No.

9 Q You moved to Virginia because you wanted to be near the  
10 White House, but you're not into politics?

11 A Like -- again, like I said, I enjoy history. I enjoy  
12 learning, like, you know, the presidents, et cetera.

13 Q Right. So you like -- you like American history, then?

14 A Yes.

15 Q How do you feel about the monuments?

16 MS. DUNN: Objection, Your Honor.

17 THE COURT: Overruled.

18 BY MR. CANTWELL:

19 Q How do you feel about the Robert E. Lee monument?

20 A I mean, I know of the history of when it was put up and --  
21 yeah.

22 Q I'm asking for your opinion.

23 A I think that it's terrible that they were put up at a time  
24 to intimidate people, but -- yeah.

25 Q How do you feel about the Thomas Jefferson statue on the

N. Romero - Cross

1 UVA campus?

2 A Indifferent.

3 Q You're indifferent about that one?

4 A Yeah.

5 Q How do you feel about Thomas Jefferson owning slaves?

6 MS. DUNN: Objection, Your Honor, relevance.

7 THE COURT: Overruled.

8 THE WITNESS: Does that mean I answer?

9 THE COURT: Yes.

10 THE WITNESS: Yes?

11 Repeat the question.

12 BY MR. CANTWELL:

13 Q How do you feel about the Jefferson monument, given the  
14 fact that Thomas Jefferson was a slave owner?

15 A So as a university student, we learn all about the history  
16 of Charlottesville and UVA.

17 I would say that I hate the history of racism that Thomas  
18 Jefferson and the University has. You know, you hear about a  
19 lot of terrible things that they would do. UVA used to have a  
20 eugenics clinic. I think that's terrible, and I think that we  
21 should honor, you know -- yeah, we should honor that.

22 Q We should honor the terrible history or --

23 A No, we should, like, take into consideration and respect  
24 the oppressed people that literally are part of that history.

25 Q Does respecting the oppressed people, does that involve

N. Romero - Cross

1 removing the symbols?

2 A I would say if that's what people want, I think, yeah.

3 Q If that's what the majority wants; is that what you're  
4 saying?

5 A I'm saying that, for example, if I'm passing by UVA every  
6 day and I'm seeing symbols that are bringing me back to  
7 terrible things, well, you know, we can put them somewhere  
8 else.

9 Q So if a symbol upsets one individual, it should be  
10 removed?

11 A I think if the symbol represents hatred, it can be  
12 removed.

13 Q Okay. During your direct testimony, you stated at some  
14 point you had moved to Charlottesville. Now, pardon me for not  
15 catching the whole thing here. Did you originally just attend  
16 the University of Virginia and then decide to become a  
17 Charlottesville resident after that?

18 A I'm sorry?

19 Q Maybe I might be the one who is confused here.

20 At what point -- did you move to Charlottesville at some  
21 point from somewhere else?

22 A For school?

23 Q Permanently, or -- are you a Charlottesville permanent  
24 resident today?

25 A No.

N. Romero - Cross

1 Q Okay. So you -- do you live on campus?

2 A I did previously.

3 Q Oh, you're not in the University of Virginia anymore?

4 A No. I graduated late.

5 Q Okay. So not too specifically, but whereabouts -- in what  
6 state do you reside today?

7 A In New York.

8 Q You reside in New York. Okay. And do you -- you work for  
9 a nonprofit today; is that accurate?

10 A As of three months ago, I do not.

11 Q Okay. So up until three months ago you worked for a  
12 nonprofit that was involved in, I think you said, civic  
13 engagement?

14 A Yeah, nonpartisan civic engagement.

15 Q So nonpartisan civic engagement. Could you tell me a  
16 little bit more about that?

17 A Yeah. Like I said earlier, I attended school board  
18 meetings to talk about -- you know, comment on needs of  
19 students. We worked on getting people out to vote, getting  
20 people to learn more about civic engagement in Charlottesville,  
21 about the local elections, you know.

22 Q So your role in the nonprofit had to do with your status  
23 as a victim of the Charlottesville incident?

24 A No. No. Not at all.

25 Q Okay. So you attended the torch march on August 11. You

N. Romero - Cross

1 don't remember who told you about that?

2 A Uh-uh.

3 Q You said that you went there with a friend, though, right?

4 A Uh-huh.

5 Q Can you tell us who that friend was?

6 A Someone named Lou.

7 Q Lou?

8 A Uh-huh.

9 Q And was Lou a student at the University of Virginia?

10 A Yes.

11 Q But you don't know Lou's last name?

12 A Of course.

13 Q Of course?

14 A I know their last name.

15 Q What is Lou's last name?

16 A Cass.

17 Q Lou Cass. Do you know if Lou is still a student at the  
18 University of Virginia?

19 A No.

20 Q How do you feel about fascism?

21 A I -- it's something that's literally hates me and my  
22 existence.

23 Q Fascism hates you?

24 A I would describe it as something, yeah.

25 Q And you believe that fascism hates you because you are --

N. Romero - Cross

1 is it your Hispanic descent? Would that be fair to say?

2 A I'm also a queer woman.

3 Q Oh, you're a queer woman. Okay. And so you believe that  
4 fascism hates you, so you feel similarly about fascism; safe to  
5 say, then?

6 A I mean, historically, fascism is literally, like, genocide  
7 of people like me, yes.

8 Q So safe to say you're anti-fascist?

9 A I would say, yeah.

10 Q Are you an anti-fascist activist?

11 A No.

12 Q Okay. So you wouldn't identify with Antifa?

13 A No.

14 Q Do you know anybody who does?

15 A No.

16 Q You don't know anybody who does?

17 A No.

18 Q Did you make any new friends on the evening of  
19 August 11th?

20 A No.

21 Q No?

22 A I also wouldn't -- like, I didn't keep up with anyone,  
23 like I said earlier.

24 Q You didn't make any new friends on August 12th?

25 A No.

N. Romero - Cross

1 Q Okay. You heard -- as the torch march was approaching,  
2 you said you heard -- it sounded like the earth was growling,  
3 right?

4 A (No verbal response.)

5 Q You heard the chants.

6 At some point, did you see Emily Gorcenski show up at the  
7 statue?

8 A I wouldn't -- I wouldn't know.

9 Q Did you hear somebody say: "Heads down, y'all, heads  
10 down"?

11 A There was a lot -- I don't know. I can't...

12 Q I'm talking about before the torch march arrived. You  
13 said that you arrived there and there were very few people  
14 there, right?

15 A Yeah.

16 Q Can you tell me some of the names of the people who were  
17 around the statue?

18 A Besides Devin and I?

19 Q Yeah, besides you and Devin.

20 A I don't know too many folks around there, no. Also, I was  
21 straight out of my first year. And, like, a lot of those  
22 people I had never met. So -- I'm sorry.

23 Q Okay. So it was you and Devin at the statue?

24 A Yes.

25 Q Where did Lou go?

N. Romero - Cross

1 A Lou was to my left.

2 Q Okay. So it's you, Devin, and Lou?

3 A Yeah.

4 Q So you, Devin, and Lou are at the statue with a bunch of  
5 strangers?

6 A Yeah.

7 Q Okay. And you linked arms with these strangers?

8 A I linked arms with my friend Lou and my friend Devin.

9 Q And Devin and Lou, they linked arms with the other people?

10 A Yes.

11 Q So to the best of your knowledge, are Devin and Lou on the  
12 plaintiffs' witness list today? Do you know?

13 A No?

14 Q Are they witnesses in this case?

15 MS. DUNN: I'm sorry, Your Honor. I just had a hard  
16 time hearing the first time Mr. Cantwell asked his question.

17 MR. CANTWELL: The question -- I'm wondering if the  
18 people to either side of Ms. Romero are witnesses in this case.

19 THE COURT: Are they on the witness list? I don't  
20 know.

21 MS. DUNN: Your Honor would like me to respond, yes?

22 THE COURT: Are they on the list?

23 MS. DUNN: Devin Willis is on the witness list. He's  
24 a plaintiff in this case.

25 This other individual is not on our witness list.



N. Romero - Cross

1 MR. CANTWELL: So I think -- just to straighten out  
2 the confusion, I think Devin Willis was John Doe to me until  
3 pretty recently; right? Is that right?

4 THE COURT: Well, I don't know.

5 MR. CANTWELL: I'll move on. I'll move on.

6 BY MR. CANTWELL:

7 Q So you said -- I think it was to Mr. Spencer, you had  
8 said -- or at some point during your testimony today you said,  
9 "I wish I covered my face." I think it was during your direct  
10 examination, actually, right?

11 A Yes.

12 Q Why did you -- I understand you wish that you had covered  
13 your face for a number of reasons, but that was a remark that  
14 you had made previously that you were referencing, right?

15 A What do you mean?

16 Q The remark about covering your face that you made on  
17 direct examination today, that was something that you recalled  
18 from a prior statement; is that right?

19 MS. DUNN: Objection, Your Honor.

20 THE WITNESS: I'm not sure.

21 THE COURT: Overruled.

22 THE WITNESS: But I say that because I was, you know,  
23 maced. So I wish I had covered my face.

24 BY MR. CANTWELL:

25 Q What I mean to say is: Are you aware that other people

N. Romero - Cross

1 were covering their faces at the statue?

2 A No. Other people had hats.

3 Q Other people had hats. And they hid their faces behind  
4 the "UVA students act against white supremacy" sign, yes?

5 A I mean, based off the photos, yes. I wasn't on that side.

6 Q The photos. That's right. And so --

7 MR. CANTWELL: Let me actually pull that photo up, if  
8 I could.

9 MS. DUNN: Your Honor, we would just object to  
10 questions asking Ms. Romero why other people did things they  
11 did.

12 MR. CANTWELL: That wasn't the question.

13 THE COURT: Sustained.

14 The photo that was on direct examination, are you  
15 asking that that be brought up?

16 MR. CANTWELL: Yeah, I'd like to bring that up.

17 THE COURT: Okay. Can you bring up that? It was  
18 used on direct.

19 The one with the sign?

20 The one with the sign?

21 MR. CANTWELL: Yes, the one with the sign, where the  
22 students are hiding their faces. That's what I'm looking for.

23 BY MR. CANTWELL:

24 Q Ms. Romero, do you know the names of any of the people who  
25 are hiding their faces in this photo?

N. Romero - Cross

1 A I'm not sure, actually.

2 Q So you don't know if they're UVA students or not?

3 A I believe they were.

4 Q You believe they were?

5 A Uh-huh.

6 Q How do you know that they were?

7 THE COURT: She said she believed they were. She  
8 didn't say she knew.

9 BY MR. CANTWELL:

10 Q What leads you to believe that they were UVA students  
11 besides the sign?

12 A And besides their hats that say "UVA"?

13 Q Those are UVA hats?

14 A Yes.

15 Q Okay. I'm unfamiliar with those. Can you describe to  
16 me -- because I see three different colors and three different  
17 designs. Are they all UVA hats?

18 A I think the middle one might not be. It says "Virginia is  
19 for" -- I think that might say that -- that sign, like  
20 "Virginia is for lovers."

21 Q Oh. "Virginia is for lovers." You're absolutely right.  
22 That's what that one says.

23 And the orange one and the white one, you say you  
24 recognize?

25 A Yes.

N. Romero - Cross

1 Q Okay. We can zoom back out, please.

2 Now, this woman all the way in the left-hand corner of the  
3 image, you can barely see her face. It just goes off the edge.  
4 I don't know if I can -- oh, there we go.

5 This one right here. Do you recognize her?

6 A Oh. No.

7 Q Do you remember seeing her on the evening of August 11th?

8 A No.

9 Q What about this man with the blue shirt with the orange  
10 long-sleeved shirt underneath? Do you remember seeing him?

11 A No. It seems to be very close.

12 Q No. No. No, not there. What I circled.

13 MR. CANTWELL: Can we clear this screen? I don't  
14 know how to do that. I'm sorry.

15 MS. DUNN: Bottom corner.

16 MR. CANTWELL: Bottom corner? Okay.

17 BY MR. CANTWELL:

18 Q Right here, this man right here with the orange  
19 long-sleeved shirt underneath the blue short-sleeved shirt, do  
20 you remember seeing that man there?

21 A No.

22 Q I'm sorry. The bottom corner? Oh, I see. "Clear all."  
23 It says it right there.

24 And this person right over here, do you recognize this  
25 person with the camera phone?

N. Romero - Cross

1 A Yes.

2 Q Who is that?

3 A I believe that's Emily.

4 Q That's Emily Gorcenski, right?

5 A But I feel like I know because of the --

6 Q I'm sorry. I didn't hear what you said.

7 A Like I wouldn't really recognize --

8 Q Do you mean to say that on the evening of August 11 you  
9 wouldn't have recognized Emily Gorcenski?

10 A No.

11 Q What about this man that, his face, I circled right there?  
12 Do you recognize that man?

13 A No.

14 Q And you don't recall seeing him on the evening of  
15 August 11?

16 A No.

17 Q Okay. You didn't bring your phone with you when you went  
18 to the Thomas Jefferson statue on the evening of August 11th?

19 A I don't think I did, because I don't have any images from  
20 my cell. So I thought -- I don't think I did, unless it's in  
21 my waist band or something. I don't know where it was.

22 Q Just so I understand, the reason that you believe that you  
23 didn't bring your phone is because you don't have any images?

24 A Yes.

25 Q So had you brought your phone, you would have taken

N. Romero - Cross

1 pictures?

2 A Yeah.

3 Q Okay. Did you bring your phone on August 12th?

4 A Yes.

5 Q Do you have images from August 12th?

6 A Yes.

7 Q Okay.

8 A That's why I had the Colombia bag.

9 Q That's why you had the Colombia bag?

10 A Uh-huh.

11 Q And you said -- now, as I'm looking at this photo here the  
12 same way you're looking at it, you're off to the left side of  
13 this image, right?

14 A Yes.

15 Q Okay. And you said that you and Devin were the only  
16 people of color on that side?

17 A From my recollection.

18 Q Okay. And you said that as the torch marchers approached,  
19 that they made some racial remarks to you?

20 A Yes.

21 Q And did that start pretty early on in the procession or  
22 did that happen after everybody was all around?

23 A Throughout.

24 Q Of the hundreds of people who showed up there, how many  
25 would you estimate made racial remarks to you?

N. Romero - Cross

1 A I'd say like a handful.

2 Q A handful, so five?

3 A Maybe more.

4 Q 12? Less than 20?

5 A Yeah, less than 20. I mean, they were kind of like in  
6 cadence, you know, coming, like saying things together. So  
7 it's kind of...

8 Q Well, I understand that there were chants that you would  
9 have received as having racist undertones, for lack of a better  
10 description. What I'm asking is what you were targeted with  
11 personally.

12 A Yes.

13 Q You mentioned that people saw you and that you stood out  
14 to them and that they directed their comments at you.

15 A Yes.

16 Q And so I'm just trying to ascertain sort of what  
17 percentage of the hundreds of people who showed up there made  
18 racial remarks to you.

19 A When I say "in cadence," meaning that like, when they were  
20 saying -- like, the people directing the slurs, it's like other  
21 people joined in with them.

22 Q Okay. So I was thinking cadence like a marching chant or  
23 something like that.

24 A Yeah, I understand.

25 Q You're saying there was this barrage of voices coming in

N. Romero - Cross

1 your direction; is that better --

2 A Sure.

3 Q Okay. And just so we understand each other, I'm trying to  
4 figure this out at the same time. I know lawyers usually don't  
5 ask questions they don't know the answer to. I genuinely  
6 don't. So I'm just trying to figure this out.

7 So at what point -- as the marchers came around the  
8 statue, you said at some point you decided you wanted to leave.

9 A Yes.

10 Q What point was that?

11 A I mean, pretty early on, I guess.

12 Q Pretty early on?

13 A I guess by then we had already been surrounded.

14 Q Because, I mean, you heard what you said sounded like the  
15 earth growling, right?

16 A Yeah.

17 Q You said that that was pretty scary. And that was before  
18 you were surrounded, right?

19 A Uh-huh.

20 Q And you said that it was pretty early on that people  
21 started making racial remarks to you, right?

22 A (No verbal response.)

23 Q But you didn't decide that you wanted to get out of there  
24 until you saw there was no opportunity to do that; is that...

25 A I suppose.



N. Romero - Cross

1 MR. CANTWELL: If I could, I have a video. Could  
2 maybe I approach with plaintiffs' counsel for a moment? Could  
3 we do that?

4 THE COURT: If you would like.

5 MR. CANTWELL: I'd like a chance to speak with  
6 plaintiffs' counsel.

7 THE COURT: Do you mind moving up to this side of the  
8 lectern?

9 MR. CANTWELL: I'm sorry. So I have -- there's a  
10 video that I want to play but I have to ask a question first.  
11 That's the challenge.

12 MS. DUNN: I understand, Your Honor.

13 (Pause.)

14 MR. CANTWELL: I apologize, Ms. Romero. We'll get  
15 this in just a minute.

16 (Pause.)

17 I think I have to reboot this computer because the  
18 media player is not working. So I'm going to do that and I'll  
19 try to move on until we can straighten this out.

20 BY MR. CANTWELL:

21 Q Do you know who sprayed mace at you on August 11th?

22 A No.

23 Q You don't?

24 A No.

25 Q At any point did you talk to Commonwealth's Attorney

N. Romero - Cross

1 Robert Tracci about you getting pepper-sprayed on August 11?

2 A Do you have an image of him?

3 Q You don't know who the Commonwealth's Attorney is in  
4 Albemarle County?

5 A I'm not sure.

6 Q Did you talk to the police at all about getting  
7 pepper-sprayed on August 11th?

8 A I'm pretty sure I spoke to somebody, yes. I don't know  
9 exactly who.

10 Q Where were you when you spoke to the police about that?

11 A I've spoken to them multiple times.

12 Q And so -- you didn't speak to the police on the evening of  
13 August 11th?

14 A No. I was getting assistance with my injury.

15 Q Who was giving you assistance?

16 A It looked like another student.

17 Q So you didn't get assistance from the police?

18 A No. The police were clearing the space.

19 Q Okay.

20 A I didn't speak to anybody.

21 Q As a matter of fact, I mean, I actually got first aid from  
22 the police that night. So they're good at that.

23 You didn't seek assistance from law enforcement?

24 A I was already getting assistance.

25 MS. DUNN: Objection, Your Honor.

N. Romero - Cross

1 THE COURT: Excuse me.

2 MR. CANTWELL: I'm sorry.

3 THE COURT: She can answer the question.

4 THE WITNESS: I was already getting assistance.

5 BY MR. CANTWELL:

6 Q And you don't know the name of the person who was giving  
7 you the assistance?

8 A No.

9 Q Were they wearing a red bandanna?

10 A I'm not sure.

11 Q You're not sure?

12 A Sorry.

13 Q Okay. Do you know who started the fighting on August 11th  
14 at UVA?

15 A I'm not sure.

16 Q You're not sure, right? Okay.

17 A technical point. I'm being asked for a password that I  
18 don't have for ZENworks.

19 You mentioned Posse several times, and I didn't catch your  
20 initial description of that. What are you referencing when you  
21 say "Posse" during your testimony?

22 A Posse is a full-tuition -- a tuition -- merit-based  
23 scholarship that I got. And essentially they send you in a  
24 cohort.

25 It was created by a woman who mentored a man who -- or

N. Romero - Cross

1 student dropped out of school, and he said he wouldn't have  
2 dropped out if he had a posse. She coined the term so that we  
3 could be sent in cohorts, and prepared eight months in advance.  
4 We met once a week every week and we were given an academic  
5 advisor when we came to college.

6 So they paid for school. And since I was injured and I  
7 had to take the semester off, Posse wouldn't cover, like, my  
8 summer classes and the fall class that I had to take post --  
9 when I graduated late, essentially.

10 Q You mentioned that Mr. Wispelwey -- Reverend Wispelwey was  
11 in the company of a famous pastor. You didn't remember his  
12 name?

13 A No.

14 MS. DUNN: Objection, Your Honor.

15 THE COURT: She can answer the question. It came up  
16 on direct.

17 MR. CANTWELL: I think she already did answer. She  
18 said she didn't --

19 BY MR. CANTWELL:

20 Q Does the name Cornel West ring a bell?

21 A Yes. There it is.

22 Q And was that the famous pastor you were referencing  
23 earlier?

24 A Yes.

25 Q Okay. Do you know anything about Cornel West?

N. Romero - Cross

1 A I saw one where -- or a talk that he did with, like,  
2 Angela Davis and other folks.

3 Q Angela Davis, that name rings a bell to me. Can you tell  
4 me who she is?

5 A She's a professor somewhere on the West Coast right now, I  
6 think. I'm not sure.

7 Q What was the talk about?

8 A I'm not sure.

9 Q You're not sure?

10 A But that's what I recognize him from.

11 Q You never heard Cornel West talk about politics?

12 A Not that I can recall right now.

13 Q Not that you can recall right now?

14 A I've never seen him in person talk about politics or  
15 anything, no.

16 Q But you might have seen him on the Internet?

17 A Again, I saw an interview once with both of them, but I  
18 don't remember what the interview was about.

19 Q Are you familiar with an organization called the  
20 Democratic Socialists of America?

21 A Heard of it.

22 Q Part of it?

23 A I've heard of it.

24 Q You've heard of it. Have you ever attended a meeting?

25 A I don't think so.

N. Romero - Cross

1 Q Have you ever attended a meeting of the Charlottesville  
2 city council?

3 A Have I gone to a city council meeting?

4 Q Yeah.

5 A Yeah.

6 Q Did you go to the Charlottesville city council meeting  
7 immediately following the Unite the Right rally?

8 A No.

9 Q Okay.

10 A I couldn't have.

11 Q You couldn't have? I'm sorry. That's right. Of course.  
12 I apologize.

13 So on August 12th you were amongst a group of  
14 counter-protesters initially outside of what used to be Lee  
15 Park; is that right?

16 A Yes.

17 Q Okay. You said that at some point somebody threw you up  
18 against a cop car?

19 A Yes.

20 Q And was that -- was that cop car parked near Lee Park?

21 A Yes.

22 Q I'm sorry. Emancipation Park.

23 A Yes. It was, like, blocking the road.

24 Q Do you know who threw you up against that -- up against  
25 that cop car?

N. Romero - Cross

1 A Well, it was like a group of people.

2 Q So multiple people put their hands on you and threw you up  
3 against the police car?

4 A Essentially.

5 Q Did a group of people walk by and one person pushed you or  
6 did multiple people put their hands on you?

7 A Multiple people.

8 Q Can you tell us anything about what those people were  
9 wearing?

10 A It seemed to be like two different groups. I saw their  
11 shields. They had, like, different logos on them.

12 Q So the people who pushed you into the cop car, they had  
13 shields?

14 A Yeah, like the group that they were with.

15 Q So there were people who had shields, and they -- did they  
16 put their shields somewhere else and put their hands on you or  
17 did somebody who didn't have a shield put their hands on you?

18 A It was kind of like multiple. So maybe, like, moved their  
19 shield kind of, and, like, also used their shield at the same  
20 time.

21 Q So they were using their shields to push you against the  
22 cop car?

23 A Like I said, there was multiple. So some used their  
24 shield, some used their hands.

25 Q This seems like a pretty intense team effort that you're

N. Romero - Cross

1 describing here. You have multiple hands and multiple shields  
2 pushing little you into a police car.

3 A Yes.

4 Q Do you know where the police officer was?

5 A The police officers were in the park, I believe.

6 Q The police officers were in the park.

7 And did you -- did you seek assistance from the police  
8 officers?

9 A No. Like I said, right after it was declared, I think, a  
10 state of emergency.

11 Q They declared the state of emergency.

12 So after they declared the state of emergency, you  
13 listened to the police officers. You walked away from the  
14 park?

15 A Of course, yes.

16 Q You think it's obvious?

17 A What's obvious?

18 Q It's obvious that somebody would -- a police officer would  
19 tell somebody something to do and then somebody would do it.  
20 That's obvious to you?

21 A Yes.

22 Q Okay. You sent a text message to somebody saying that  
23 there was mace and tear gas and a stampede?

24 A Yes.

25 Q And that was still near Emancipation Park?



N. Romero - Cross

1 A Yes.

2 Q Okay. And then you went down -- was it Fourth Street?

3 You're not familiar with the streets any more than I am. Okay.

4 In any case, you got, safe to say, two blocks from the  
5 park after that?

6 A Yeah, kind of when I was leaving I walked on the sidewalk  
7 back east, when we were seeing the map earlier.

8 Q And then you saw a group of counter-protesters that you  
9 met up with; is that right?

10 A I suppose, yeah. Other students. Like, older folks.  
11 There were some moms in there.

12 Q So students, moms?

13 A Yeah, older --

14 Q Sympathetic characters?

15 A Yeah.

16 Q Okay. So not counter-protesters; just students and moms  
17 and babies?

18 A I don't -- I don't know if I saw babies.

19 Q Kittens? Puppies?

20 And so when you saw these people, at some point you said  
21 during your testimony when you saw the other group there, you  
22 said it was shut down, everything is fine. Do you remember  
23 saying that?

24 A Yes.

25 Q Okay. So on August 11th you got pepper-sprayed by a Nazi

N. Romero - Cross

1 mob. And then on August 12th you decided to go get some more,  
2 and you got pepper-sprayed, you got maced, you got tear-gassed,  
3 you got hands put all over you, you got pushed into a cop car  
4 by multiple shields, you got stampeded, and then you walked two  
5 blocks away and everything was fine?

6 A Is that a question?

7 Q I'm a little confused.

8 A I'm also a little confused.

9 Q All right. The person who gave you first aid after the  
10 car wreck, do you remember if she was wearing a red bandanna?

11 A I'm not sure. You have the photos.

12 Q If I told you that one of the photos shown during your  
13 direct examination had a red bandanna, would that be a surprise  
14 to you?

15 A I guess not.

16 Q The red bandanna doesn't haven't any significance in your  
17 mind?

18 A I think the medics, street medics, might have had that.

19 Q Okay. So -- that's an important point. So there were  
20 medics out there, and the medics were identified by red  
21 bandannas?

22 A I can't really say for certain, but --

23 Q Well, what was it that made you believe it when you said  
24 it just now?

25 A Because you brought up the red bandannas.

N. Romero - Cross

1 Q Well, I asked you what the significance of the red  
2 bandannas was.

3 A Right.

4 Q And you said the medics, plural, had red bandannas. So  
5 I'm wondering why you think there would be multiple medical  
6 personnel wearing red bandannas during a riot.

7 A So as we spoke earlier, there was, like, a park. Right?  
8 People were giving out food, snacks, et cetera. And there were  
9 people there that considered themselves medics. I think  
10 they're, like, nonpartisan, kind of like --

11 Q So you're saying the medics, they weren't working for the  
12 Democratic or Republican parties; is that what you're saying?  
13 They're not partisan?

14 A I guess not.

15 Q You indicated that you were very troubled that some of the  
16 people who held the rally came back for future rallies later  
17 on; do you recall saying that?

18 A Yes.

19 Q To the best of your knowledge, was there any violence at  
20 any of those events?

21 A I don't remember right now. I'm sorry.

22 Q Okay. Today -- at some point you were prescribed an  
23 emotional support animal?

24 A Yes.

25 Q And you named the -- the emotional support animal was

N. Romero - Cross

1 named Luna?

2 A Yes.

3 Q Was that a cat?

4 A A dog.

5 Q A dog. What kind of dog?

6 A It's like a terrier mix.

7 Q And you mentioned during your direct testimony that you  
8 spent four years locked inside your house.

9 A Essentially.

10 Q But up until three months ago you were working for a  
11 nonprofit promoting nonpartisan civic engagement, correct?

12 A Correct.

13 Q So you really haven't been locked in your house for four  
14 years; that's right, right?

15 A That was a job I had during the pandemic as well. I  
16 worked from home most of it.

17 Q So you were promoting civic engagement online?

18 A Essentially.

19 Q Doing social media work?

20 A No, not social media work. I would go to city council  
21 meetings; however long they lasted, I'd be on the council  
22 meeting. You know, they had already community members that  
23 would -- you know, I would go to the meetings with them and  
24 they'd be on Zoom, or I did like Albemarle County school  
25 meetings. I did meetings with the food bank. I did meetings

N. Romero - Cross

1 with the parks and rec people to talk about how we can make,  
2 you know, more accessible outdoor spaces, stuff like that.

3 Q Okay. And you did this through, like, Zoom calls?

4 A Essentially, yes.

5 Q So fair to say for at least one year that you were locked  
6 inside your house, you were locked inside your house partially  
7 as a result of the pandemic, right?

8 A Yeah.

9 Q Okay.

10 MR. CANTWELL: I think I may seek to re-call you when  
11 I put my case on, but I'm done for now, Judge. Thank you very  
12 much, Ms. Romero.

13 THE COURT: All right. Mr. Campbell.

14 MR. CAMPBELL: David Campbell. I have no questions,  
15 Your Honor. Thank you.

16 MR. CANTWELL: Could I ask one more question? I'm  
17 really sorry.

18 BY MR. CANTWELL:

19 Q You already answered that you have -- you produced videos  
20 from August 12th, right?

21 A Video?

22 Q Just pictures?

23 A I think it was just pictures.

24 Q Did you catch any pictures of the people who put their  
25 hands on you?

N. Romero - Cross

1 A No.

2 Q Did you catch any pictures of the people who deployed the  
3 pepper spray?

4 A No. In those times I didn't have my phone in my hand.

5 Q Did you catch any pictures of the people who stampeded  
6 you?

7 A No.

8 Q Did you catch any pictures of --

9 MR. CANTWELL: No further questions. Thank you very  
10 much.

11 CROSS-EXAMINATION

12 BY MR. JONES:

13 Q Good afternoon. I represent Michael Hill, Michael Tubbs,  
14 and the League of the South.

15 I want to ask you a few questions about that incident by  
16 the library and Emancipation Park and the police car.

17 A Okay.

18 Q You said that you were standing with a group of women  
19 lined up in front of the police car; is that correct?

20 A Yes.

21 Q And you said there were some clergy members standing  
22 nearby; is that right?

23 A In that moment? That was a question.

24 Q Yeah. In that moment, were there clergy members standing  
25 nearby?

N. Romero - Cross

1 A I couldn't say.

2 Q Do you recall whether the road was being blocked off by  
3 counter-protesters at that time?

4 A No.

5 Q It was not?

6 A No.

7 Q So that was a different occasion?

8 A Which one?

9 Q The time when the counter-protesters were blocking off the  
10 road, that was not this time; it was a different time?

11 A I believe so.

12 Q And you said that you suffered some injuries at the torch  
13 march from being maced; is that right?

14 A Yes.

15 Q And you suffered some injuries at the car attack on August  
16 the 12th; is that right?

17 A Yes.

18 Q So all of your injuries from that weekend were from either  
19 the torch march or the car attack; is that right?

20 A Yes.

21 Q Those are the only injuries you suffered that weekend?

22 A Physical, I guess, yeah.

23 Q You said that after the rally was shut down, you went to  
24 another location and sat down with some other people and had  
25 some food to eat; is that right?

N. Romero - Cross

1 A Yeah. Like, an orange.

2 Q And then from there you guys got up and walked down Water  
3 Street; is that right?

4 A I'm sorry. I'm not sure the exact route.

5 Q Okay. While you were at the rally, you said that you  
6 noticed somebody walking around with a hammer; is that right?

7 A Yes.

8 Q Do you recall whether that was a protester or a  
9 counter-protester?

10 A A protester. He had a white shirt and khakis, I believe.

11 Q Do you still have that black binder up there with you?

12 A Yes.

13 Q Can you turn to Exhibit Number 2933?

14 Is that an email that you sent?

15 A It might have been. I'm not sure if it's an email or a  
16 text message.

17 Q Okay. Somebody named Jose?

18 A Yes.

19 Q Did you say, "James Fields has destroyed my life"?

20 A Yes.

21 MR. JONES: Your Honor, I'll move to introduce  
22 PX2933.

23 MS. DUNN: No objection.

24 THE COURT: It will be admitted.

25 (Plaintiff Exhibit 2933 marked.)



N. Romero - Cross

1 (Plaintiff Exhibit 2933 admitted.)

2 BY MR. JONES:

3 Q Where did you learn James Fields' name?

4 A I can't say.

5 Q Probably from the news?

6 A Yeah.

7 Q You only learned it after August 12th; is that right?

8 A Yes.

9 MR. JONES: Thank you.

10 THE COURT: All right. Mr. Smith?

11 CROSS-EXAMINATION

12 BY MR. SMITH:

13 Q Good afternoon, Ms. Romero.

14 A Good afternoon.

15 Q I just have a few questions for you.

16 A Okay.

17 Q Remember that picture with the sign -- everyone is sort of  
18 standing around with that sign that said -- I forget the name  
19 of the organization. Virginia students --

20 A I think it was just a saying.

21 Q "UVA students against white supremacy," I think it said?

22 A Yes.

23 Q What's white supremacy?

24 A I guess the belief that white people are superior.

25 Q Superior to --

N. Romero - Cross

1 A To other people, diverse people of different backgrounds.

2 I would say also it's systemic. Right.

3 Q When you say "other people," do you mean all other people?

4 A Superior to people of diverse backgrounds. Maybe people  
5 like me, black people, other people.

6 Q So all non-white people; is that what you're saying?

7 A I mean, to me, white supremacy, when I think about it, is  
8 more of a systemic thing.

9 Q Can you tell me what you mean?

10 A Yeah, like laws that intentionally hurt oppressed  
11 people -- or oppressed people, you know.

12 Q Does it mean anything else to you?

13 A White supremacy? I mean, it means a lot of things, I  
14 guess.

15 Q Okay. Was Thomas -- remember the statue at UVA? That's a  
16 statue of Thomas Jefferson, right?

17 A Correct.

18 Q Was Thomas Jefferson a white supremacist?

19 A I'm not sure. I don't know if he blatantly said he was a  
20 white supremacist.

21 Q How do you know Matthew Parrott?

22 A I don't know him.

23 Q Okay. Matthew Heimbach?

24 A (No verbal response.)

25 Q How about the Traditionalist Worker Party?

N. Romero - Cross

1 A (No verbal response.)

2 Q Did you see Matthew Parrott or Matthew Heimbach or any  
3 member of the Traditionalist Worker Party?

4 A If you can bring them up again.

5 Q Well, there are a number of members.

6 MR. SMITH: Do we have those images of Heimbach and  
7 Parrott, by any chance?

8 MS. DUNN: Your Honor, if you would like us to put up  
9 on the screen the images that we used in opening, we can do  
10 that.

11 MR. SMITH: I'm fine with that.

12 THE COURT: Yes.

13 MS. DUNN: Mr. Spalding, would you put the images up  
14 from the opening, please?

15 BY MR. SMITH:

16 Q So on my right hand side, you see them, right?

17 A Yes.

18 Q Do you recognize them?

19 A Is that an image of Matthew the day of the events?

20 Q I don't know.

21 A Do you know what he was wearing that day?

22 Q I don't.

23 A And is that Matthew Heimbach on the day of as well?

24 Q I'm sorry?

25 A Is that him -- is that a representation of him on the

N. Romero - Cross

1 12th?

2 Q You know, I don't know. I'm thinking that that's probably  
3 what plaintiffs' counsel used, but I don't know that for sure.

4 A I do remember seeing the -- the fork kind of thing.

5 Q Were you saying this is on the --

6 A The 12th.

7 Q The 12th?

8 A Yes.

9 Q Okay. So during the day?

10 A Uh-huh.

11 Q Okay. Do you remember seeing that on the -- on the 11th,  
12 which was the torchlight rally?

13 A I tried to keep my head down.

14 Q I understand. Okay.

15 You testified that the events -- I don't remember your  
16 exact words, but you testified the events of August 11th --  
17 i.e, the torchlight rally -- were frightening to you; is that a  
18 fair representation?

19 A Yes.

20 Q If so, why did you decide to go back into that kind of  
21 intense political and social conflict the very next day?

22 A I did not expect the same results.

23 Q Okay. Why didn't you expect the same results?

24 A It was going to be daytime. People were planning peaceful  
25 things. I thought they were just going to be in the park.

N. Romero - Cross

1 Q Now that you mention the park: You testified, if I'm not  
2 mistaken, that there were other permitted events in other parks  
3 in Charlottesville that were going on on August 12th.

4 Why didn't you decide to go to any of those?

5 A I'm sorry. What?

6 Q Why did you decide not to go to any of those other  
7 permitted events, and instead go --

8 A No, I did go.

9 Q You did go to the other permitted events?

10 A Yes.

11 Q In the other parks?

12 A Yes.

13 Q Okay. But you also decided to go to the Unite the Right  
14 rally, essentially, in Lee Park, Emancipation Park, after that?

15 Okay. Did you go -- did you go to the -- so we have the  
16 UTR rally in Emancipation Park, right? And we have the other  
17 permitted events in other parks. I don't remember the names of  
18 those other parks. I'm sorry.

19 Did you go to those other permitted events? Did you go to  
20 them first?

21 A I think in order to get to them, I had to go through the  
22 other park, since I lived on that side, yes.

23 Q I see. So what you're saying is that you went to -- you  
24 were on your way to those other events. Did you ultimately get  
25 to those other events?

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1 A I believe so.

2 Q Okay. And again, just so I'm clear -- I may have  
3 misheard --

4 A That's okay.

5 Q That was after you went through the Emancipation Park with  
6 the Unite the Right event, right?

7 A Where they were, yes. I -- I walked. I took some  
8 pictures. And -- yeah.

9 Q Okay. And then you went to the other permitted events?

10 A Uh-huh.

11 Q Okay.

12 MR. SMITH: I have everything I need, Your Honor. No  
13 further questions. Thank you.

14 THE COURT: All right. Thank you.

15 MS. DUNN: Your Honor, no redirect.

16 THE COURT: All right. Where is your next witness?

17 MS. DUNN: Your Honor, the next witness can be on the  
18 way up.

19 And I have one housekeeping matter. I admitted  
20 PX3025. I should have admitted PX2952. So I wanted to put  
21 that on the record.

22 MR. SMITH: I have no objection, Your Honor.

23 THE COURT: Okay. It will be admitted.

24 MS. DUNN: Thank you, Your Honor.

25 MS. KAPLAN: Your Honor, could we just have a five,

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1 ten-minute before we -- maybe the midafternoon break before I  
2 bring the witness up?

3 THE COURT: Well, I was going to take a break in  
4 about 15 minutes. Do you need to take it before the witness?

5 MS. KAPLAN: If possible, Your Honor, I'd rather take  
6 the 15 minutes now and then we can start with the testimony.

7 THE COURT: Well, it's not the way I have like to do  
8 it, because then we end up about 20 minutes to 5. I mean, we  
9 say an hour and a half, you see, and then we end up at about  
10 20 minutes to 5, and we waste --

11 MS. KAPLAN: I understand, but it's going to take  
12 some time for them to get to the second floor.

13 THE COURT: Okay. We'll take a break.

14 Members of the jury, we're going to take a recess now  
15 for about 20 minutes.

16 **(Jury out, 2:43 p.m.)**

17 (Recess.)

18 THE COURT: Is the witness ready?

19 MS. KAPLAN: Yes, Your Honor, the witness is ready.

20 THE COURT: Okay. The witness is outside the door?

21 THE CLERK: Yes, sir. Do you want to bring them in?

22 THE COURT: Bring the witness on in.

23 MS. KAPLAN: Oh, bring the witness in, Your Honor?

24 THE COURT: Yes.

25 MS. KAPLAN: Your Honor, if you will allow me to take

D. Willis - Direct

1 this moment to introduce the Court to my colleague, Alex  
2 Conlon. She will be directing the testimony of Mr. Willis.

3 THE COURT: All right. Thank you.

4 **(Jury in, 3:07 p.m.)**

5 THE COURT: All right. Have a seat, please. Call  
6 your witness.

7 MS. KAPLAN: Your Honor, plaintiffs call Mr. Devin  
8 Willis.

9 (Witness sworn.)

10 THE COURT: Mr. Willis, you may take your mask off.

11 MS. KAPLAN: Like we did last time, is it okay for us  
12 to pass up binders to the Court, the witness, defense counsel?

13 THE COURT: Yes.

14 MS. KAPLAN: Thank you.

15 MS. CONLON: Your Honor, may I begin?

16 THE COURT: Yes.

17 MS. CONLON: Good afternoon. Please --

18 THE WITNESS: Good afternoon, everyone.

19 DEVIN WILLIS, CALLED BY PLAINTIFFS, SWORN

20 DIRECT EXAMINATION

21 BY MS. CONLON:

22 Q Please introduce yourself to the jury.

23 A My name is Devin Dushawn Willis.

24 Q How old are you?

25 A I'm 23 years old.



D. Willis - Direct

1 Q Where do you live right now?

2 A I live in Mexico City, Mexico.

3 Q How long have you lived in Mexico City?

4 A Since about June of 2020.

5 Q Where did you live before that?

6 A Before Mexico, I lived in Charlottesville, Virginia.

7 Q And when did you live here in Charlottesville?

8 A I lived in Charlottesville from 2016 to 2020.

9 Q What were you doing here?

10 A I was a student at the University of Virginia.

11 Q Were you an undergraduate?

12 A I was an undergrad, yes.

13 Q And did you graduate from UVA?

14 A I did.

15 Q When?

16 A I graduated in May of 2020.

17 Q What was your degree in?

18 A I had a degree in political and social thought with a  
19 minor in urban and environmental planning.

20 Q Devin, did you grow up in Virginia?

21 A I did. I was not born here, but I was raised here.

22 Q Where?

23 A In Virginia.

24 Q Where in Virginia?

25 A Oh, sorry, thank you. So I was born in Indiana, but I was

D. Willis - Direct

1 raised in -- mostly in or around Fredericksburg, Virginia.

2 Kind of north and central Virginia.

3 Q Did you go to high school there?

4 A I did.

5 Q Are you working right now?

6 A Yes.

7 Q What do you do for work?

8 A I work for an urban planning-focused nonprofit in DC.

9 Q Please tell the jury why you are here today.

10 A I'm here today because of the events that happened to me  
11 in August of 2017 in Charlottesville.

12 Q In August of 2017, how old were you?

13 A I was 18 years old.

14 Q And what were you doing in August at that time?

15 A So I had -- I had just finished my freshman year of  
16 college and I stayed behind to pass the summer in  
17 Charlottesville because I had been very fortunate to get a  
18 really good research internship here.

19 Q Tell us a little bit about that internship.

20 A So it was -- the name has since changed but it was offered  
21 through the School of Architecture and it was called the  
22 Institute for Environmental Negotiation. It was an  
23 environmental nonprofit.

24 Q What was the process you went through to get the  
25 internship?

D. Willis - Direct

1 A It was application-based. It was mildly competitive. It  
2 was offered to the A School -- yeah, it was cool.

3 Q The A School means the architecture school?

4 A Yes. Yeah. And the majority of people in their employ  
5 were graduate students. It was really special that I got a  
6 chance to work there very early on.

7 Q In August of 2017 you had just finished your freshman  
8 year, right?

9 A That's correct.

10 Q Tell us how that year went for you overall.

11 A It was a really good year for me. I think for most people  
12 who matriculate into university at that age, I had been -- I  
13 was being exposed to things I had never been exposed to before.  
14 I had a great year. I learned a lot. I challenged myself and  
15 it mostly went well.

16 Q How did things go for you that year academically?

17 A So academically it was not the breeze that high school  
18 was, but I did do well, and I did better in my second semester  
19 than I did in my first semester. So it was trending positive.

20 Q You said it wasn't the breeze high school was. Can you  
21 give us a sense of how high school went?

22 A Yeah, so, I'm not saying any of this to brag, but I really  
23 enjoyed high school. I was like -- I extended myself a lot. I  
24 pushed myself a lot. So academically I was very high up in my  
25 class, like, top 5 percent. I had, like, a 3.8 GPA while also

D. Willis - Direct

1 being involved in, like, the student council. I was, I think,  
2 vice president of student government. I was on the academic  
3 quiz bowl team. I was on the debate team. I was on the chess  
4 club, quiz bowl team.

5 I enjoyed myself academically, engaged myself, enjoyed  
6 myself, and then socially as well, I had a really, like, great,  
7 memorable social life. I was prom king and my girlfriend was  
8 prom queen.

9 Q How did that compare socially to your experience at UVA  
10 your first year?

11 A It was similar, but just wasn't as easy, right? So, like,  
12 UVA, academically, was much more challenging and rigorous. So  
13 I had to really try, like, 110 percent for, like, you know, not  
14 as out-of-the-park records, whatever.

15 But socially it was -- I tried to do a repeat, right? So  
16 like all first year or freshman students, I tried to join a  
17 million clubs in my first and second semesters and also try out  
18 things I had never done before, like astronomy club. I was  
19 involved with the IRC and this thing called the Forums. I was  
20 just trying all kind of stuff.

21 Q What is the IRC?

22 A So the IRC is the International Residential College. It's  
23 one of three application-based housing options for first-year  
24 students. And I chose that one because it was the one that was  
25 focused on, like, people from diverse backgrounds. And I had

D. Willis - Direct

1 lived in Virginia my whole life, or most of my life. So it was  
2 like -- it was important to me that I wanted to live around  
3 people who were different than me.

4 Q You also mentioned something called the Forum. What's  
5 that?

6 A So the Forum also was an application-based underclassman  
7 curriculum. So in your first two years when you're without a  
8 major, if you know what you wanted to do, UVA was piloting this  
9 program where you could kind of, like, pick a track. So I  
10 picked a philosophy and politics-focused track that allowed me  
11 to take more credits in that direction and, like, do less of,  
12 like, STEM and stuff that I didn't like.

13 Q What do you mean by STEM?

14 A Science, technology -- I don't remember what STEM stands  
15 for. Math and stuff.

16 Q Math stuff?

17 A Yeah, math stuff.

18 Q Did you have any particular role in the International  
19 Residential College?

20 A Yes. So like I said, I was trying to, like, find my  
21 thing, find my calling or whatever it was in my first year. So  
22 I volunteered for this committee because, for whatever reason,  
23 I had to stay in Charlottesville over the Thanksgiving holiday  
24 that year. So I joined this committee that basically put on a  
25 Thanksgiving event for the international kids who, like, didn't

D. Willis - Direct

1 have the money to fly home for two weeks, right?

2 So we had, like, a Thanksgiving dinner with, you know,  
3 Chinese students and South Asian students and people who  
4 otherwise would not have had a Thanksgiving.

5 Q Were you very involved in any other student groups your  
6 first year at UVA?

7 A Yeah. So like I said, I tried out a million clubs but one  
8 of the ones that stuck at the end of my first year, I got  
9 involved with the Black Student Alliance.

10 Q What is the Black Student Alliance?

11 A The Black Student Alliance is like a cultural group. It's  
12 something -- it's one of the older clubs at UVA. It was  
13 founded back in the '60s. It's supposed to -- I think it  
14 existed to provide, like, a slice of home to students who maybe  
15 don't feel at home at UVA. We would have, like, cookouts every  
16 Friday, this thing called Black Friday. You could, like, come  
17 to OAAA and get some chicken, or some mac and cheese, collard  
18 greens, that kind of thing.

19 We also had, like, a lot of dance events, annual dance  
20 events. We had this opening celebration called The Source, and  
21 then this end-of-year celebration called Black-Out. That's  
22 when you would have, like, step shows and performances, just  
23 things like that that make people feel good.

24 Q Were you in the step shows?

25 A No, but both my parents are steppers, actually.

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1 Q So apart from social events, why did you join the BSA?

2 A I think the biggest motivation was that my really close  
3 friend was really involved in the BSA. He was on admin. So I  
4 was kind of following in his footsteps.

5 Q Are there any restrictions on who can be a member of the  
6 BSA?

7 A You have to be a UVA student.

8 Q Is that the only restriction?

9 A That's the only restriction.

10 Q Did you have any particular role in BSA during your  
11 freshman year?

12 A Yeah. So at the end of my freshman year, I was appointed  
13 to the position of secretary for the incoming academic year.

14 Q What did that require you to do?

15 A It was a very basic role, it was just, like, note-taking  
16 and making sure all members got copies of the meeting minutes,  
17 and being helpful.

18 Q A lot what it sounds like?

19 A Yeah.

20 Q When the school year ended, did you continue to be  
21 involved with BSA over the summer of 2017?

22 A Yeah. Yeah.

23 Q Tell us about that involvement.

24 A Right. So it was, like, really more so a coincidence  
25 because, like I just said, secretary is a pretty mundane role,

D. Willis - Direct

1 but I had this internship and I was the only person who was in  
2 town, so I became, like, appointed again as, like, the BSA's  
3 liaison to the groups that were doing the activism and stuff  
4 around Charlottesville that summer.

5 Q What kind of groups were you involved with that summer on  
6 behalf of BSA?

7 A So on behalf of BSA, I sat in a lot of meetings, mainly  
8 for Black Lives Matter C'ville, the chapter that was here. I  
9 don't remember all the names of the groups, but, like,  
10 Solidarity C'ville and, like, a handful of other sort of --  
11 yeah, like -- yeah, activism groups.

12 Q Would you describe them as social justice groups?

13 A Yeah, I would. That's a good way to put it.

14 Q Have you heard of Antifa?

15 A I have heard of Antifa.

16 Q Does the BSA have any connection to Antifa?

17 A The BSA is a student group with no connection to Antifa.

18 Q When you were liaising with community groups on behalf of  
19 BSA, did you liaise with Antifa?

20 A Not to my knowledge, no.

21 Q Did you liaise with any group that has a relationship to  
22 Antifa?

23 A Not to my knowledge, no.

24 Q Have you ever been a member of Antifa?

25 A I have never been a member of Antifa.



D. Willis - Direct

1 Q Before August, did you ever have any encounters with white  
2 nationalists in Charlottesville?

3 A Yeah, one time.

4 Q When was that?

5 A So July 8, 2017, there was a small demonstration from the  
6 Ku Klux Klan here in Charlottesville at, I believe, Justice  
7 Park.

8 Q And you attended that demonstration?

9 A I did. I went -- I don't remember who even invited me,  
10 but I went because I wanted to see it for myself. I had never  
11 seen a Klan member, or at least not one that was robed up, in  
12 my life. So, yeah, I wanted to see it for myself.

13 Q Had you ever attended something like a Klan rally before?

14 A No, never in my life.

15 Q Had you ever had any interactions with someone who you  
16 knew to be part of the Klan before?

17 A No, because -- yeah, like, no. I mean, I'm from Virginia,  
18 but like no, I've never seen anything like that before. And up  
19 until that point, like, I -- you know, I was born in '98, so  
20 like, I was very much under the impression that race relations  
21 were only improving. So it was a really weird experience.

22 Q So what made you decide to go to this rally in July?

23 A What made me decide to go? Yeah, I think I was in, like,  
24 disbelief that, like, real, robed-up Klanspeople would be out  
25 in broad daylight. I wanted to see it for myself. I think

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1 they have a right to protest and do whatever, but, you know, I  
2 told you I'm into politics and philosophy. I thought I also  
3 had the right to be like, yeah, I think I'm allowed to exist  
4 and that what you're doing is gross.

5 Q What do you mean by saying "I think I'm allowed to exist"?

6 A Yeah, like, I think that they have a right to hate me; I  
7 have a right to love me. That kind of a thing.

8 Q Spell this out: You're referring to your race?

9 A Yes. Being African American, yeah.

10 Q So what happened when you went to the rally?

11 A Okay. So when I went to the rally, I think it was --

12 MR. JONES: Your Honor, I'm going to object to the  
13 relevance of the July rally. I think we need to get to August.

14 MS. CONLON: Your Honor, I'm happy to respond. I'm  
15 also happy to approach.

16 THE COURT: It's come up before. Go ahead.  
17 Overruled.

18 BY MS. CONLON:

19 Q Before we jump back in, I'm just going to ask you to speak  
20 a little more slowly to make sure everyone is hearing  
21 everything you're saying.

22 A Okay.

23 Q I know it's hard.

24 A Can do.

25 Q So please tell us about your experience at the July 8th

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1 rally.

2 A Okay. So at the July 8th rally, like I said, I made the  
3 decision to go and I went with some close friends. And yeah,  
4 we saw robed-up Klanspeople for the first time, and they looked  
5 like mostly what you would expect. Yeah, they were wearing  
6 robes, but a lot of them also had firearms on their hips, and  
7 they just, you know, wanted to spread whatever. And like, they  
8 were, like, motioning at their firearms and insulting people  
9 who were in the crowd watching them and counter-protesting  
10 peacefully. Yeah, it was like a disarming thing to see but it  
11 was otherwise uneventful.

12 Q Were the people who were there for the Klan rally saying  
13 anything, chanting?

14 A They also were doing the monkey noise thing at, like,  
15 people in the crowd, and like -- I definitely kept my distance  
16 but I could see them just being rude and nasty to people who  
17 had shown up.

18 Q What do you mean by they were doing the monkey noise  
19 thing?

20 A Yeah, so like, you know, if like a black counter-protester  
21 or whatever got too close, they would do like monkey noise or  
22 monkey motions in their direction.

23 Q Did you see anyone behave violently at the July 8th rally?

24 A No, I did not.

25 Q Before I move on, did you have any impression of why they

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1 were making monkey noises at particular counter-protesters?

2 A Yeah. How do I say it? Like, yeah, they think black  
3 people are subhuman, so they compare us to apes and primates.

4 Q Thanks.

5 So -- sorry. Did you see anyone behave violently at the  
6 rally?

7 A No.

8 Q This was your first rally like this?

9 A Yes.

10 Q So how did it feel to be there?

11 A Yeah, it was just -- it was really shocking. It kind of  
12 burst my bubble about the time period I'm living in. And like  
13 I said, I was really optimistic and outgoing at 18, and, like,  
14 I think that was like -- like I said, it burst my bubble for  
15 sure. And it made me -- yeah, it grossed me out, and I was  
16 maybe curious about why they chose Charlottesville to come do  
17 that kind of thing, because that wasn't something most people  
18 my age had seen really before.

19 Q What do you mean when you say it grossed you out?

20 A Yeah, it grossed me out that, like, people like that who  
21 hold those views are still, yeah, around, and feel like they  
22 need to be in public and need to be sharing their message.  
23 Also, the idea that there might be an audience is pretty gross.  
24 It makes you feel a little less secure in the world.

25 Q Are you saying it made you personally feel less secure?

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1 A It made me concerned. I felt very concerned.

2 Q What did you do after the rally?

3 A After the rally I went with my friends to a Mexican  
4 restaurant and we had dinner.

5 Q After the July 8th rally, did you make plans to attend any  
6 similar events?

7 A Yes. The July 8th rally was the first time that I heard  
8 about Unite the Right.

9 Q Do you remember how you heard about it?

10 A If I'm not mistaken, a professor mentioned it to me, and  
11 they described it as like, it will be this, but just bigger  
12 again. And I thought, like, okay, nothing really happened this  
13 time. And so nothing should happen the next time. If it's  
14 just this, but bigger, then it will be the same thing. I'll  
15 come back with some signs.

16 Q So it sounds like you planned at that point to go to the  
17 next rally; is that correct?

18 A I don't think I was set in my mind in that moment, but it  
19 was something that I became aware of.

20 Q After your experience at the July 8th rally, why did you  
21 want to go to another rally?

22 A I'm not sure all of my -- what my exact reasoning was at  
23 the moment. This was a long time ago. But I think it was the  
24 same thing. It's like you feel sort of indignant that these  
25 people want to, like, exercise their right to use hateful

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1 speech and spread hateful ideologies. And, like, that's  
2 protected. Whatever. That's fine. I would like to use my  
3 right to express the opposite viewpoint.

4 Q When you first heard about the Unite the Right rally, did  
5 you at that -- I'm sorry, did you hear any plans for a  
6 counter-protest?

7 A Could you repeat the question, please.

8 Q Sure. When you first heard about the Unite the Right  
9 rally, did you also hear about plans for a counter-protest?

10 A I don't think in that moment immediately, no.

11 Q When did you hear about plans for it?

12 A When I was doing -- like attending more meetings and  
13 liaising on behalf of the BSA, I heard about more preparations  
14 to organize counter-protests.

15 Q Was the BSA involved in any conversations about the  
16 counter-protest plans?

17 A Yes, so the BSA, like, collaborated, you know, up until --  
18 yeah. Yeah. They primarily collaborated with other groups  
19 like the ones that I mentioned earlier, to like, facilitate the  
20 permits that were attained for, like, the two other parks for  
21 the counter-demonstrations.

22 Q Okay. So we haven't talked about that yet. So tell us  
23 about it. What do you know about permits that were obtained  
24 for counter-demonstrations?

25 A So a professor who I knew had gotten a permit for McGuffey

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1 Park, and we had this plan to -- I got to help plan this. I was  
2 really proud of it at the time -- to create sort of like a safe  
3 space where people could go and be a part of something positive  
4 while this very hateful thing was happening in the other park.  
5 We don't control what's happening in other parks but we can  
6 control what's happening here. So I got to work on the  
7 programming for that park. The whole initiative was called the  
8 PARJ.

9 Q What does PARJ stand for?

10 A It stands for the People's Action for Racial Justice. It  
11 was like a committee.

12 Q Who was on the committee? What group of people was it  
13 comprised of?

14 A It was a professor, some local Charlottesville community  
15 members. It was kind of like -- I don't think there was any  
16 restrictions on who could be on it. I was on it.

17 Q So once you became aware of the plans for the  
18 counter-protest, what were they? Can you tell us what the  
19 plans were?

20 A Yeah, so I remember that around the PARJ, which was like  
21 the main thing I was committed to for Unite the Right, it was  
22 like we wanted to have a place where people could -- one, the  
23 basics, so, like, porta-potties, water bottles, just basic,  
24 like, you know, like, self-care kind of things that people  
25 might need after a long day of counter-protesting or whatever

D. Willis - Direct

1 it is, experiencing emotional distress. This is a place to go,  
2 get some water, get a snack.

3 Q I'm just going to remind you to slow down.

4 A So that kind of thing. And then also we had some  
5 programming. So that would be poetry, like meditation, some  
6 speeches, some songs. I think that was most of it.

7 Q Were you personally involved in developing the programming  
8 for the counter-protest?

9 A Yes, for the PARJ, yes.

10 Q Did you ever see any media advisories about the  
11 counter-protest?

12 A Yes, I did.

13 MS. CONLON: I'd like to show the witness PX3261 on  
14 his screen.

15 BY MS. CONLON:

16 Q Devin, do you recognize this document?

17 A It's not there.

18 Q Will you let me know when it is?

19 A It is now.

20 Q So take a second. Take a look.

21 Do you recognize this document?

22 A I do recognize the document.

23 Q And how are you able to recognize it?

24 A It's the media advisory for the PARJ which I was involved  
25 in, like I said. I think I edited this document.



D. Willis - Direct

1 Q Does this appear to you to be a fair and accurate copy of  
2 the document as you remember it?

3 A Yes.

4 MS. CONLON: At this time we move to admit PX3261  
5 into evidence and would ask that it be published to the jury.

6 THE COURT: Without objection, it will be admitted.

7 MR. SMITH: No objection, Your Honor.

8 (Plaintiff Exhibit 3261 marked.)

9 (Plaintiff Exhibit 3261 admitted.)

10 MS. CONLON: And actually, if we could zoom in on the  
11 paragraph that begins with the phrase "numerous events."

12 Thank you, Matt.

13 BY MS. CONLON:

14 Q Devin, are you able to see the zoomed-in paragraph that's  
15 on the screen in front of you?

16 A Yes.

17 Q This paragraph describes plans for the counter-protest?

18 A Yes, it does.

19 Q Can you tell us if this is consistent with your  
20 understanding of what the plans were?

21 A Yeah. Do you want me to read it?

22 Q Well, tell me what part of it is consistent with what you  
23 knew about the plans.

24 A So the sentence reads, "There will be information,  
25 teach-ins, and speakers in addition to prayer and meditations,

D. Willis - Direct

1 music and art, and an opportunity for respite."

2 Yeah. And that was very much what we set out to do.

3 Q Based on your knowledge of the plans for Unite the Right  
4 and the plans for the counter-protest, did you believe that  
5 attending the counter-protest might be dangerous?

6 A At the time I didn't.

7 Q Do you know whether the people who were coordinating the  
8 counter-protest were ever in touch with law enforcement?

9 A I do.

10 Q What do you know about that?

11 A So I don't remember which groups, but like, you know,  
12 everyone was working together with everybody at the time. And  
13 I remember that there was some coordinated meetings with the  
14 chief of police of the city of Charlottesville that was focused  
15 on making sure that the weekend of the Unite the Right would be  
16 a safe event. I attended one such meeting.

17 Q So in early August, how were you feeling about attending  
18 the counter-protest?

19 A In early August I thought it would be the exact same thing  
20 as July the 8th, just bigger.

21 Q And how did you feel about it?

22 A I felt like that was a safe and reasonable decision.

23 Q Did your feelings about attending change at any point?

24 A Yes.

25 Q When?

D. Willis - Direct

1 A The evening of August 11th.

2 Q So we're going to talk about August 11th. Could you tell  
3 us what you were doing that night, early that evening, August  
4 11th, 2017?

5 A So August 11, 2017, at the time it was just the night  
6 before Unite the Right. So I was having dinner with some of  
7 my -- with a professor, the same professor from the PARJ. And  
8 what else? Yeah, we were all having dinner at his house. We  
9 were having a spaghetti dinner, and a couple of my other  
10 student friends were there.

11 Q Were there -- were the other folks who were at the dinner  
12 other people involved in planning the counter-protest?

13 A I don't know what everybody's role was. I'm actually not  
14 sure.

15 Q Did you make any preparations for the counter-protest at  
16 the spaghetti dinner?

17 A Yeah. Sorry. Thank you. So, yes, so I know we were  
18 working on signs and like, I made a poster I was going to take  
19 to Unite the Right the next day, because I had to be at  
20 McGuffey Park in the morning. So yeah, we were doing, like,  
21 signs and things like that.

22 Q When you were at your professor's house, were you aware of  
23 any plans for a demonstration on campus by the white  
24 nationalists?

25 A No. I was just working on my signs.

D. Willis - Direct

1 Q Did you learn at any point that they were going to gather  
2 on your school's campus?

3 A Yes.

4 Q When did you hear about that?

5 A I don't remember what time it was, but at some point  
6 during the dinner, somebody came in -- I don't remember who it  
7 is anymore -- and, like, informed us that -- they're like, hey,  
8 we heard about that Jason Kessler and some of his people are  
9 going to have something and it might be at UVA.

10 Q Did you hear anything else about what Mr. Kessler and the  
11 people with him were planning to do?

12 A I don't remember exactly, but I think my understanding at  
13 the time was that like, these guys are going to come and like,  
14 give some speeches and, you know, hype themselves up for the  
15 next day's events, and they're going to do it probably on the  
16 Lawn or at the North Plaza.

17 And, you know, I was a tuition-paying student at the  
18 university at the time and I just didn't think that was okay.

19 Q So what did you feel in response when you heard this  
20 information?

21 A Yeah, I was, like, annoyed and frustrated, maybe. Like, I  
22 feel like none of those guys, to my knowledge, were students at  
23 UVA, or had been for a very long time, and I felt like it was  
24 summertime. They waited until all these students who have  
25 changed the meaning of what it means to go to this school

D. Willis - Direct

1 weren't there. And so we were like, we should probably do  
2 something. We should go counter-demonstrate.

3 Q Did you make plans at that point for a  
4 counter-demonstration?

5 A So it wasn't my idea, but people made plans to head over  
6 and counter-demonstrate this small gathering of Kessler and his  
7 people.

8 Q How were they planning to counter-demonstrate, as far as  
9 you knew?

10 A I think they made a plan to -- one of the signs was  
11 already finished that we had intended to use for Unite the  
12 Right. So they were like, we're going to take this sign and go  
13 over there. And, you know, it will be July 8th. It'll just be  
14 like -- that's what the whole point is, right? They say their  
15 part, we say our part, and then everyone goes home.

16 Q How did you -- so you attended this -- the  
17 counter-protest?

18 A Yeah. Yeah. So I kind of made the last-minute decision  
19 that I was going to go.

20 Q And what made you decide to go?

21 A Mainly just because I wanted to go with my -- where my  
22 friends were going. I looked up to them.

23 Q So how did you -- how did you get to campus?

24 A We went in someone's car.

25 Q Were the other people in the car also UVA students?

D. Willis - Direct

1 A Yes.

2 Q Where did you go once you were in the car?

3 A They parked the car behind some apartments on JPA,  
4 Jefferson Park Avenue -- Parkway, something like that.

5 Q After the car parked, where did you go?

6 A After the car parked, we walked to the North Plaza, where  
7 our other friends were waiting for us, also students.

8 Q Is the Thomas Jefferson statue at the North Plaza?

9 A Yes. Yeah. That's where it's at.

10 Q So you walk over to the North Plaza. What do you see when  
11 you first get there?

12 A So we walk over to the North Plaza. It's starting to get  
13 dark. And I recognize a bunch of -- yeah, of our friends who  
14 were also at the dinner. So, like, other students that were at  
15 the base of the statue.

16 Q About how many of your friends did you see at the base of  
17 the statue when you first arrived?

18 A So if there was, like, five of us in my car, we probably  
19 went to the statue and linked up with, like, the other ten.  
20 There was no more than, like, ten, ten of them, ten or 15.  
21 Maybe, yeah, ten-ish.

22 Q Did you recognize all of the people around the statue at  
23 that point?

24 A Yes. Yeah, I knew them all as fellow students.

25 Q So your group linked up with the group that was there?

D. Willis - Direct

1 A Yeah. Yeah.

2 Q And what did you all do once you were connected?

3 A So we walked down to the statue, linked up with the group.  
4 We conversed amongst ourselves for a minute. And we're like,  
5 okay, so we got here first. Someone decided the plan was that  
6 we're going to link arms, we're going to link hands, and we're  
7 going to form a circle at the base of the statue.

8 Q Why was the plan to encircle the Thomas Jefferson statue?

9 A Yeah, so I think everyone did it for different reasons. I  
10 mean, you know, I'm not an all-knowing person, but my reason  
11 was that I felt like -- kind of like I mentioned about dinner,  
12 that the people who were heading to the statue don't represent  
13 UVA or what it stands for. There was a lot of debate that our  
14 school is founded by a slave owner. There's a lot of debate  
15 about all these things, but, yeah, I felt like that was a  
16 really -- us circling the statue, like, this diverse group of  
17 present students, was a really eloquent way to make the point,  
18 to make our current demonstration. It seemed like a really  
19 good nonviolent way to do that.

20 Q What was the point that the counter-demonstration was  
21 trying to make?

22 A Yeah, I think that, like, I -- like, I don't know what  
23 their point is, but I think that they stand for white  
24 supremacy, and I think that they want to exaggerate -- no, not  
25 exaggerate --

D. Willis - Direct

1 Q Sorry. I'm going to jump in, because I think I should  
2 rephrase my question.

3 A Thank you.

4 Q What was the point that you and the other students were  
5 trying to make?

6 A Okay. I thought you were asking me about -- okay. Got  
7 you.

8 Yeah, I think the point is the school has a controversial  
9 past, and that is an important thing, but it has a much more --  
10 it has a different present, and it has a diverse one. And the  
11 students here also have something to assert about what that  
12 statue means and what that place means, something more  
13 positive.

14 Q When you first arrived at the statue, did you see any  
15 white nationalists?

16 A No.

17 MS. CONLON: I'd like to show the witness PX3474.

18 MS. KAPLAN: This is an issue that came up last time,  
19 Your Honor. This isn't in yet, correct?

20 MS. CONLON: It's not in yet. It's to authenticate  
21 it.

22 MS. KAPLAN: So do we want to show him with the audio  
23 off?

24 MS. CONLON: Yes.

25 MS. KAPLAN: So no audio, so the jury can't hear the



D. Willis - Direct

1 audio.

2 MS. CONLON: And this is a clip from 3474.

3 (Discussion off the record.)

4 (Video playing.)

5 BY MS. CONLON:

6 Q Devin, do you recognize the video that just played on the  
7 screen in front of you?

8 A Yes.

9 Q How are you able to recognize it?

10 A I see myself in it.

11 Q Can you tell when this video was taken, what day?

12 A Yeah. This is from August 11th, 2017.

13 MS. CONLON: At this time, we move to admit PX3474  
14 into evidence.

15 THE COURT: It will be admitted, but I thought it  
16 already was.

17 MS. CONLON: I'm sorry. I couldn't hear you, Your  
18 Honor.

19 THE COURT: I'll admit it.

20 MS. CONLON: We'd ask that it be published to the  
21 jury.

22 THE COURT: Anything I admit can be published unless  
23 something is otherwise said.

24 (Plaintiff Exhibit 3474 marked.)

25 (Plaintiff Exhibit 3474 admitted.)

D. Willis - Direct

1 BY MS. CONLON:

2 Q Devin, do you see yourself in this video?

3 A Yes.

4 Q Using the touch screen -- we'll see if we can do this --  
5 can you circle yourself?

6 A (Witness complies.)

7 Q And what are you doing at this moment that the video is  
8 paused at?

9 A I'm holding hands with two other students.

10 Q Do you know the students?

11 A I know one of the students.

12 Q Which student do you know?

13 A On my left, I'm holding hands with Nat.

14 Q When you say "Nat," do you mean Natalie Romero?

15 A Yes, Natalie Romero.

16 Q What are you and -- well, are you chanting anything in  
17 this video?

18 A Yes. I'm saying: "No Nazis, no KKK, no fascist USA."

19 Q When this video was taken, did you see any white  
20 nationalists at that point?

21 A In that moment, no.

22 Q Could you hear them?

23 A Yes. We had begun to hear them.

24 Q What could you hear?

25 A It was like -- yeah, just a lot of really loud and deep

D. Willis - Direct

1 shouting coming from the other side of the Rotunda. I think  
2 they were too far away to hear what they were saying.

3 Q So at this point, you could hear the white nationalists,  
4 but you couldn't see them?

5 A Exactly.

6 Q Why did you decide to stay put, assuming you did?

7 A I still didn't know how many people were present, and I --  
8 I failed to mention that, like, one of the safety precautions  
9 that we took was that we made a buddy system, and so Natalie  
10 was my buddy for the evening. And I felt like I had a  
11 responsibility to my buddy, and also to my group of friends, to  
12 see the demonstration through. So I stayed put.

13 Q Were you scared?

14 A I was definitely, yeah, scared and alarmed by how many  
15 voices I could hear.

16 Q I should ask you: You've mentioned Natalie and she was  
17 your buddy. How did you know Natalie Romero at that point?

18 A Me and Natalie were in the same class. So we were --  
19 well, not, like, literally, like the graduating class. I met  
20 Natalie much earlier during the academic year. I used to hang  
21 out in her dorm a lot. We were friends.

22 Q Had she been with you at the professor's house for the  
23 spaghetti dinner?

24 A I believe so, yes.

25 Q After the moment that's captured in this video where we're

D. Willis - Direct

1 paused, what happened next?

2 A Yeah, so what happens next is that you start seeing --  
3 yeah, you start to see the glow, this mysterious glow on the  
4 other side of the Rotunda. And the shouting and growling,  
5 whatever, gets louder, and these people, these lights, start,  
6 like, rushing over the steps.

7 So you can see the steps from where I'm standing -- I can  
8 see the steps from where I'm standing, and this ocean of light  
9 and flames just starts spilling over both sides of the steps,  
10 and it's washing down, and you start to hear what they're  
11 saying in this, like, really awful chant. And they basically  
12 just rushed the entire area and surrounded all of us in a  
13 matter of seconds.

14 Q Was the size of the crowd that you saw coming over the  
15 Rotunda toward you the number of folks you had expected would  
16 be there?

17 A Not at all. I realized as they were coming and as it was,  
18 you know, too late to go anywhere that I was really wrong about  
19 how many people would be there.

20 Q You said you heard an awful chant. Do you remember what  
21 they were saying?

22 A Yes. They were saying "blood and soil," "Jews will not  
23 replace us," and "you will not replace us".

24 Q This might seem obvious, but what, to you, was awful about  
25 those chants?

D. Willis - Direct

1 A They were extremely xenophobic chants that implies that  
2 this group of people, most of which -- who were born here, are  
3 replacing anybody. And it wouldn't matter if they weren't born  
4 here, but anyway -- sorry. Yeah, it was really xenophobic and  
5 awful and hateful and I knew that it was directed at me and  
6 people like me.

7 Q And when you say you felt that it was directed at you and  
8 people like you, can you spell out what you mean?

9 A I'm not Jewish, but I know that "you will not replace us,"  
10 I think it's something white supremacists are known for saying,  
11 and it's this idea that everybody who is not also white is  
12 trying to replace them, which is...

13 MR. SMITH: I'm sorry, did he finish. He said,  
14 "which is."

15 THE WITNESS: Yeah, I'm done.

16 MR. SMITH: I'm sorry?

17 THE WITNESS: I'm done.

18 BY MS. CONLON:

19 Q About how many people --

20 MR. SMITH: Never mind. It's fine.

21 BY MS. CONLON:

22 Q About how many people, if you had to guess, did you see  
23 coming over the Rotunda coming toward you when you were around  
24 the statue?

25 A Hundreds.

D. Willis - Direct

1 MS. CONLON: Could we please show the witness PX2344?

2 BY MS. CONLON:

3 Q Devin, are you able to see a photo on your screen?

4 A Yes.

5 Q Do you recognize this photo?

6 A Yes.

7 Q How are you able to recognize it?

8 A I can't see myself, but I know that I'm pictured here.

9 Q Does this photo depict an event that you attended?

10 A Yes.

11 Q And does it appear to be a fair and accurate depiction of  
12 that event?

13 A Yes. This looks like August 11, 2017.

14 MS. CONLON: At this time, we offer PX2344 into  
15 evidence.

16 THE COURT: It will be admitted.

17 MS. CONLON: Can we please publish it?

18 THE COURT: Yes.

19 (Plaintiff Exhibit 2344 marked.)

20 (Plaintiff Exhibit 2344 admitted.)

21 BY MS. CONLON:

22 Q Devin, can you help orient the jury by explaining where  
23 you are standing in this picture?

24 A Yes. So if you are looking at the statue and you bring  
25 your eyes down to the base of the statue, I'm on the right side

D. Willis - Direct

1 of the base of the statue.

2 Q Are you able to draw a circle just to indicate the area  
3 that you're in? I know you don't see yourself.

4 A Yes, I can do that.

5 Q And which direction were you facing when this picture was  
6 taken?

7 A So I would have been facing west, so away from the City of  
8 Charlottesville. My back would be to the City of  
9 Charlottesville, and I would be looking west at, like, Nameless  
10 Field.

11 Q Can you draw an arrow for us, just for those of us who  
12 aren't as good at cardinal directions?

13 A Yes. So this is my line of sight.

14 Q Were you able to see the torch bearers that are visible in  
15 this photo coming down the stairs from where you were standing?

16 A Yes, actually, because the stairs are elevated. So I can  
17 just see flames and I can see that there are more and more  
18 people coming.

19 Q Could you see much beyond the stairs?

20 A No.

21 Q In other words, you couldn't see anyone coming from the  
22 other side beyond the stairs?

23 A Exactly. I had no clue, like, how many more there were on  
24 the other side.

25 Q What did you think when you saw the torches?

D. Willis - Direct

1 A I thought that I had never seen anything like that before,  
2 and I was really scared because it looked like a lynch mob.

3 Q What about it looked like a lynch mob to you?

4 A I think torches and mobs are very well-known things,  
5 and -- yeah, the torches, that's a weird thing to use. It's  
6 2000-whatever. You can have a flashlight on your phone. Fire  
7 is a very intentional thing and it's a very scary thing.

8 Q Can you describe the way that the men carrying the torches  
9 appeared to you, like, how they were dressed, what they looked  
10 like?

11 A Yes. So the vast majority of the men were -- most of them  
12 were white, adult-looking. A lot of them had the same  
13 haircuts. And almost all of them were wearing some combination  
14 of, like, a white dress shirt or polo shirt and khaki pants.

15 I thought -- yeah, I also saw, like, several people who  
16 had, like, holstered weapons on the side of their hip.

17 Q Did the people in the crowd appear to you to be older than  
18 you?

19 A Yes.

20 Q Were the people in the crowd with the torches saying  
21 anything?

22 A Yes. So I mentioned that they were saying lots of chants.  
23 And then different individuals were saying all kinds of --  
24 yeah, I've really tried to drive these comments out of my mind,  
25 but I know that the monkey noises were happening again. And I



D. Willis - Direct

1 know that -- yeah, that's what I want to say. They were  
2 shouting so many hateful things. I was really just focused on  
3 not listening to it and not letting it scare me more than I was  
4 already.

5 Q At the point that the white nationalists surrounded you  
6 with torches, they're chanting hateful things, did you want to  
7 leave?

8 A Yes, I wanted to leave.

9 Q Why didn't you?

10 A I was unable to. I was surrounded on all sides by tiki  
11 torches.

12 MS. CONLON: Can we put up PX2680, please, for the  
13 witness, and clear the screen?

14 BY MS. CONLON:

15 Q Do you recognize the picture on your screen?

16 A Yes.

17 Q How are you able to recognize it?

18 A Yeah, I'm -- once again, I'm picturing it. I can't see  
19 myself in the picture here.

20 Q Do you recognize the event shown in the picture?

21 A Yes.

22 Q What day is it from?

23 A 8/11.

24 Q Is this a fair and accurate depiction of what the scene  
25 looked like on August 11th?

D. Willis - Direct

1 A Yes.

2 MS. CONLON: I'd like to move PX2680 into evidence.

3 Could we admit this exhibit, Your Honor?

4 THE COURT: Yes. Be admitted.

5 MS. CONLON: Please publish it to the jury.

6 THE COURT: You don't have to ask to publish it. You  
7 may.

8 MS. CONLON: Thanks.

9 (Plaintiff Exhibit 2680 marked.)

10 (Plaintiff Exhibit 2680 admitted.)

11 BY MS. CONLON:

12 Q Devin, can you circle on this picture where you were at  
13 the time this picture was taken?

14 A Yeah. About there.

15 Q And there appear to be some people standing to your left  
16 with their backs against the statue.

17 Do you know who those people are?

18 A I know who those people are.

19 Q Are they students?

20 A Yeah, these are fellow students and classmates and, like,  
21 peers. These are people I was just having dinner with  
22 beforehand.

23 Q I know it's a bit difficult to see, but can you tell what  
24 they're holding?

25 A Yes. It was the sign that we all made. They're holding a

D. Willis - Direct

1 sign that says "Virginia students against" -- "Virginia  
2 students act against white supremacy."

3 Q So what did you do when you were fully surrounded by the  
4 white nationalists in this picture?

5 A I couldn't do much, but I had to focus on safety. So,  
6 like I said, so these -- the nationalists, the tiki torches,  
7 they surround us. And it's extremely hot because of all the  
8 flame. And like I said, it's really scary. This is -- I was  
9 extremely concerned for my safety. So I just did what I could.

10 So I knew that I needed to hide my face in case that I  
11 would be doxed. I needed to also keep my face down, just so  
12 that -- yeah, again, for the doxing. You don't want your face  
13 all over the internet or whatever.

14 I was trying to keep my head down and not look, one,  
15 because it was horrifying to look and I didn't want to freak  
16 out, and, two, because a lot of pepper spray and things were  
17 being thrown, and I wanted to just protect myself to the best  
18 that I could.

19 Q Okay. So I'm going to follow up on that in two parts.

20 First you talked about doxing. Can you tell the jury what  
21 you mean?

22 A So doxing is when someone publishes your name and personal  
23 identifying information or your face to the internet to either  
24 harass you at a later date, make you fear for your safety, or  
25 make you live under the idea that that's going to happen to

D. Willis - Direct

1 you.

2 Q So how did you hide your face to avoid being doxed? What  
3 did you do?

4 A Well, looking back, I mean -- yeah, I mean, it wasn't very  
5 effective; but I was just trying to look at the floor, at my  
6 toes.

7 Q You also said you put your face down to avoid things being  
8 thrown at you.

9 A Yeah.

10 Q What was being thrown at you at that time?

11 A Yeah, so from where I was standing it was very visible  
12 that tiki torches, still on fire, were being thrown in our  
13 direction. So tiki torches are being thrown. They're also  
14 being wielded as weapons. They're being swung at the crowd,  
15 and X, Y, and Z, so you're just trying to make yourself as  
16 small as possible so you get hit by as few things as possible.

17 And also, there's a lot of pepper spray in the air.

18 Q Could you see who was throwing the tiki torches?

19 A It was coming from the direction that the white  
20 nationalists were coming from.

21 Q And you said something about pepper spray?

22 A Yeah. So also from that direction, lots of pepper spray  
23 was being sprayed, and -- like, repeatedly in my direction. So  
24 I'm trying to keep my head down and, like, not choke.

25 Q Were you able to avoid the pepper spray?

D. Willis - Direct

1 A I mean, no. Like, one, it gets sprayed directly in your  
2 direction so you can't -- and you can't run. So I couldn't get  
3 away from it. And yeah, I was pepper-sprayed.

4 Also, like after it gets sprayed, it lingers in the air.  
5 So if this goes on for however many minutes, then it's like  
6 there's no fresh air left to breathe. All you can do is just  
7 try to get lower.

8 Q Apart from lit torches, did anyone throw anything else at  
9 you?

10 A Yes. I remember that someone from the direction of the  
11 mob threw some, like, mysterious fluid. It looked like it came  
12 out of somebody's tiki torch canister, and they threw it at the  
13 direction of our feet, which, like I told you, it made me think  
14 that -- yeah...

15 Q What did you think the liquid was that was thrown at your  
16 feet out of what appeared to be a tiki torch canister?

17 A Yeah, it seemed like it might be some type of lighter  
18 fluid or something like that, and I thought that their strategy  
19 was going to be to burn us alive.

20 Q Did any of the fluid that you believed was lighter fluid  
21 get on your person or your clothes?

22 A Yeah. It got on and near my shoes, which was really  
23 scary. So I tried to just get -- maybe, like, break the trail.  
24 And so I tried to stand further on, like, the marble of the  
25 statue and off of the brick that was, like, now doused.

D. Willis - Direct

1 Does that make sense?

2 Q Do you mean you tried to move farther up the statue?

3 A Yes.

4 Q Were you able to do that?

5 A I think so.

6 Q What were you thinking at the moment that you had what  
7 appeared to be lighter fluid and lit torches being thrown at  
8 you?

9 A I thought I had made a very terrible mistake and that I  
10 might die that night.

11 Q Was Natalie Romero with you when this was happening?

12 A Yes. She was standing to my left.

13 Q And what was she doing at that time?

14 A She was also trying to hide her face. That was the last  
15 thing that we had kind of been -- you know, given advice about,  
16 and that was all we could think to do. But it got to a point  
17 where I was just so horrified and I was so afraid and I felt  
18 like I was -- yeah, I felt like, you know, I had a lot to live  
19 for. I wanted to leave.

20 I really wanted to leave. So I said something to the  
21 person to the right of me. I don't know what I said. But I  
22 was like, I'm ready to go.

23 Q Do you have a sense of how long you were stuck in that  
24 situation?

25 A I don't know how long I was there. It felt like a very

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1 long time.

2 MS. CONLON: Can we please show the witness admitted  
3 Exhibit PX2695, and the jury?

4 BY MS. CONLON:

5 Q Devin, looking at this picture, do you see yourself?

6 A Yes, I see myself.

7 Q Could you please circle where you see yourself?

8 Do you want to try again?

9 A Yeah. That's the back of my head.

10 Q And can you describe what's in this photo?

11 A Yeah. So it's me holding hands with Nat and other friends  
12 of mine, and then there's the banner.

13 Q The banner that you brought from your professor's house  
14 with your friends?

15 A I wasn't the one who brought it, but yes. And yeah, you  
16 can see that we're surrounded and that we're just kind of stuck  
17 where we're at.

18 Q Apart from chanting, throwing torches and throwing lighter  
19 fluid, and spraying mace, did you see the white nationalists  
20 engage in any other acts of violence?

21 A Yes. So I saw -- I saw that the mob -- the white  
22 nationalists -- like I said, they had been using their tiki  
23 torches as weapons and they were striking people.

24 Like I said, I was mostly looking at the ground, so I  
25 didn't watch all of this, but I couldn't help but notice that

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1 one of the brawls that broke out rolled onto my feet. So  
2 thankfully I had already stepped up onto the marble, like I  
3 said, because I was worried about the lighter fluid. But  
4 this -- like, yeah -- I don't know how many guys it was, but it  
5 was maybe, like, three or four of them, are, like, all fighting  
6 on the ground and they're rolling onto my feet. And so I'm  
7 also now eating these kicks and punches, because there's  
8 nowhere for me to go. They're just hitting -- they're fighting  
9 on my legs.

10 Q Do you have any idea how many times you were kicked and  
11 punched?

12 A I have no idea.

13 Q Could you see the faces of the people kicking and punching  
14 you?

15 A No, but I could see what they were wearing.

16 Q What were they wearing?

17 A At least some of the people were wearing the tiki torch  
18 guy uniform, like the white polo and khakis.

19 Q Did you see any violence by white nationalists against  
20 anybody else?

21 A Yeah. So -- so, I mean, it didn't really stop until we  
22 fully evacuated the area. So, like I said, I said that I was  
23 ready to go. And that request was respected. So eventually we  
24 were able to communicate amongst ourselves that we were going  
25 to try to escape, but that would require, of course, letting



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1 our hands go and collapsing and forming, like, a group so that  
2 we could get out. And that was as dangerous as it sounded.

3 So we -- the plan was that because me and Nat were being  
4 targeted and that because we are very obviously people of  
5 color -- I'm a black man; she's a Latin woman -- that we were  
6 in the most danger. And the fight was happening on our side.  
7 So our friends formed a circle around us and tried their best  
8 to escort us off of the statue, but the minute that we let go  
9 of our hands, of course, they join in -- or, like, they -- they  
10 basically pummeled us, right? Like --

11 Q When you say "they," who are you referring to?

12 A I'm referring to the white nationalists, the tiki torches,  
13 yeah.

14 Q So what do you mean when you say that the white  
15 nationalists pummeled you as you were trying to leave? What  
16 happened?

17 A Yeah, so the minute that -- they took advantage of, like,  
18 the chaos. And so all the friends that were thankfully very  
19 quick in collapsing around me and forming a circle around me  
20 and Nat, they are -- they are beating -- I won't swear. They  
21 are beating badly my friends who are standing between us and  
22 them.

23 And so I'm watching -- as me and Nat are basically  
24 crawling off the statue, I'm watching the people who are  
25 standing above me, my friends, take pepper-sprays at

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1 point-blank range directly into their eyes. I'm watching them  
2 take punches and kicks to their backs and the backs of their  
3 heads as they're just trying to escort us off the statue.

4 Q Were you injured at all in the course of this exit?

5 A The majority of the hits that I took were in the moments  
6 right beforehand, like I told you, when the fight was happening  
7 on top of me.

8 I really can't remember. I feel like all of us were  
9 pretty badly hit, but my friends took the brunt of it on the  
10 way out.

11 Q You described friends around you keeping you safe as you  
12 exited. Were those friends UVA students?

13 A Yes. Those were all UVA students. All students.

14 Q What happened once you got out of that crowd?

15 A So once we left the -- were driven from the statue, like I  
16 said, they were pushing and shoving our group off of the  
17 statue, even though we were already going. And we -- we, like,  
18 hobble over to a group of benches that are a few feet to the  
19 right, or to the east, of the statue, and we try to rally  
20 ourselves.

21 So we try to lick our wounds. People were doing, like,  
22 first aid. So I'm watching, you know, close friends of mine  
23 get milk poured on their eyes. I'm catching my breath because  
24 I haven't breathed in, like, however many minutes. Everyone is  
25 coughing, crying, getting themselves together. But, yeah,

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1 we're mostly, like, applying milk and that kind of thing to  
2 treat the pepper spray.

3 Q While you were recovering, could you see what the white  
4 nationalists were doing?

5 A I don't think I was looking directly at them at that  
6 moment, but -- well, no. Yeah, I did see.

7 So as we are escaping, they are celebrating. So -- and we  
8 know that they're celebrating because they are, one, all  
9 cheering very loud; and, two, they're chanting, like, "white  
10 power" and "white lives matter" and some other things like  
11 that. And they were also climbing the statue.

12 Q How did you react when you saw the white nationalists  
13 celebrating?

14 A Well, yeah, so I had just taken a pretty bad beating, and  
15 that was -- it definitely, one, hurt; two, I was -- yeah, I was  
16 flustered by that whole experience. But the whole watching  
17 these guys, you know, attack and jump a bunch of student  
18 protesters was, yeah, enraging. And watching them celebrate,  
19 you know, a bunch of grown men picking on us, celebrating that  
20 was pretty upsetting.

21 So, I mean, it wasn't just me. All of us pretty  
22 quickly, as soon as we could, picked up our sign that we had  
23 managed to take with us, and we tried to raise the sign up. We  
24 raised it upside-down because we couldn't see it. So then we  
25 flipped the sign, and then we began chanting again, because we

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1 didn't want -- we wanted to do what we had come out to do.  
2 Like, the counter-demonstration shouldn't have went that way,  
3 but we also didn't think we needed to leave on that note.

4           So yeah, we pick up the sign and we start chanting  
5 "black lives matter" in response to them chanting "white lives  
6 matter" and "white power" and whatever else they were saying.

7 Q     Did anyone else come out to support or join you and the  
8 other students?

9 A     Yes. So at about that moment is when Dean Groves appears.  
10 I really don't know what direction he came from; I'm guessing  
11 the Lawn. He runs up to me as I'm, like, holding up the  
12 banner, and he, like, grabbed me and, like, shakes me. He's  
13 like, do I need to get you out of here? I was like, no, Dean  
14 Groves, it's okay. The worst is already over.

15       He realizes that I'm not going to leave my friends and I'm  
16 not going to leave, at least not just yet. And then he, like,  
17 goes and checks on other students.

18 Q     For the jury, who is Dean Groves?

19 A     So Dean Groves was the Dean of Students at UVA at the  
20 time. He was somebody, I think, whose job it was to know  
21 everybody. I had met him several times earlier throughout the  
22 course of my freshman year. If you are an outgoing and  
23 involved student, you will meet him at some point. There was  
24 even, like, this challenge where you had to, like, high-five  
25 Dean Groves. That was, like, a thing you have to do before you

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1 graduate. So, yeah, I saw him.

2 Q Did you do the challenge?

3 A Yeah, I high-fived Dean Groves, yeah. Yeah, I have  
4 high-fived Dean Groves.

5 Q When you saw Dean Groves, did he have any visible injuries  
6 on August 11th?

7 A Yeah, so I noticed that when he grabbed me, like, he was  
8 holding me like this, and you could see that the side of his  
9 suit jacket was cut open, which is really odd. He's, like, a  
10 very well-dressed man. The side of his jacket is cut open  
11 somehow. He's, like, sweating bullets, and like, his hand is  
12 burned. Like, you can see, like, a black mark on his hand. I  
13 don't know if he mentioned it to me then or later. I think he  
14 mentioned it to me then, that, like, he got hit with a tiki  
15 torch on his way.

16 Q So how did this evening end?

17 A So this evening ends when my friends and I, we -- like I  
18 said, we chant our chants to the best of our abilities, but the  
19 incident was mostly over, and it was -- it was time to go home.  
20 We all had things to do the next day. And I actually don't  
21 even remember anymore how I got home that night, but I went  
22 home.

23 Q How did you feel when you got home?

24 A I felt exhausted, but mostly just shocked and numb. I  
25 didn't even have much to say about it because I -- I didn't

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1 know what to think. Like, I had never been attacked like that  
2 before. I had never seen a peaceful protest go so wrongly  
3 before. I think I just wanted to get -- I just wanted to end  
4 that evening. So I pretty uneventfully finished my sign that I  
5 was working on, and then I went to sleep.

6 Q Did you talk to anyone that night for support or help?

7 A I only spoke to my partner at the time, and -- like, I  
8 wanted to, like, tell the whole story and capture the  
9 magnitude, but I really couldn't find the words. And I just,  
10 like I said, I was kind of like in shock. I was like, this  
11 is -- telling the story is not important right now, and I  
12 didn't feel like it was going to accomplish anything. So I  
13 just went to bed.

14 Q On August 12th, after what happened the night before, did  
15 you still attend the counter-protest like you had planned?

16 A Yes.

17 Q Why?

18 A Mainly because -- so that was, like, the first time I had  
19 any doubts about what I was doing, but I still attended mainly  
20 because I had some responsibilities.

21 Like I said, I was on the committee for the PARJ. I had  
22 helped organize all these things. And, you know, one, you  
23 don't want to, like, quit halfway through the job; and two, I  
24 think, based off of how that small, tiny rally went the night  
25 before, I was like, okay, these guys, you know, are dangerous.

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1 They're violent. And what we're doing at the PARJ is, like,  
2 more important now than ever. Like, there needs to be a safe  
3 space. And yeah, I had responsibilities. I had to go.

4 Q And what was it about what PARJ was doing that seemed  
5 responsive to what had happened the night before?

6 You mentioned a safe space. Like, what do you mean?

7 A Yeah, so I don't remember -- it was a permitted park. So  
8 I don't think -- I'm not sure if it was -- if the point was  
9 that, like, white nationalists may not have been allowed in  
10 that space, or if it was just that the programming in the space  
11 was completely different than what was on their agenda. But  
12 some combination of things meant that, like, McGuffey Park  
13 became a place that was nearby that had water, that had snacks,  
14 that had food, and that had people doing poetry and reading  
15 positive speeches and singing songs and doing things that don't  
16 typically have a violent outcome in a registered space. We  
17 were allowed to be there.

18 Q So let's talk about August 12th. Do you remember what  
19 time you got up that morning?

20 A Yeah, I got up really early. I think it was about 5:30.

21 Q Is that standard for you?

22 A That's not standard for me.

23 Q Why did you get up so early?

24 A I got up that early because I promised that I would be at  
25 McGuffey Park bright and early so that I could help set up the

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1 park.

2 Q That morning how did you feel about going to the park?

3 A I was mostly trying to shrug off what had happened last  
4 night. So I actually woke up that morning -- you know, I went  
5 with close friends. I felt like -- I wasn't in a negative  
6 mood. I thought the day still had the potential to be good and  
7 peaceful.

8 Sorry. I'll just leave it there.

9 Q So you said you went to McGuffey Park.

10 A Yes.

11 Q Where is McGuffey Park located?

12 A I think it's just a few blocks away from Emancipation  
13 Park.

14 Q Can we pull up a demonstrative?

15 Are you able to identify McGuffey Park on the  
16 demonstrative that's in front of you?

17 A Yeah. So it's like more or less there.

18 Q Okay. So that's the park you went to the morning of  
19 August 12th?

20 A That's correct, yes.

21 Q So what did you do when you got to the park that morning?

22 A So when I got to the park that morning, I did my job. I  
23 helped with logistical things. So I'm like unfolding tables,  
24 you know, helping point out where porta potties should be,  
25 putting down the water bottles. I don't remember the details,



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1 but just basic setup.

2 Q Did you make any speeches while you were there?

3 A I did give a speech.

4 Q Did anyone else give a speech?

5 A Yeah, the president of the BSA gave a speech and maybe  
6 some faith community leadership. There was many speeches. I  
7 didn't stay for all of them.

8 MS. CONLON: Can we pull up PX3520?

9 THE WITNESS: Oh, yeah, this one really cool poet  
10 dude -- I think that's him pictured in the blue actually --  
11 gave a really great poetry reading.

12 BY MS. CONLON:

13 Q Do you recognize the picture that's in front of you?

14 A Yes.

15 Q How are you able to recognize it?

16 A I see myself.

17 Q When was this picture taken?

18 A This was taken pretty early in the morning on August 12th.

19 MS. CONLON: I'd like to admit PX3520 into evidence.

20 THE COURT: It will be admitted.

21 (Plaintiff Exhibit 3520 marked.)

22 (Plaintiff Exhibit 3520 admitted.)

23 BY MS. CONLON:

24 Q Okay. So where do you see yourself in this picture?

25 A I'm in the center of the picture. I'm wearing a yellow

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1 jacket.

2 Q Is this what you were wearing on August 12th?

3 A Yeah, actually.

4 Q And who are the people in the crowd around you?

5 A I don't know. Most of them are strangers. It's people  
6 who came to peacefully gather at the park and listen to what I  
7 was saying, what other students were saying, what community  
8 leaders were saying.

9 Q Do you remember what you said when you were up at that  
10 microphone on the morning of August 12th?

11 A I said -- I remember some of what I said. Give me a  
12 moment, please. I'm blanking right now.

13 Q It doesn't need to be your exact words. Sort of what  
14 generally were you talking about?

15 A Yeah, I was giving this, like, really positive speech  
16 about, like, the history -- oh, I was commending the people --  
17 my fellow students, a lot of fellow white students who  
18 protected me the evening before, like, who were willing to take  
19 punches and kicks and pepper spray directly to the eyes on my  
20 behalf, and that, you know, like, today is a day filled with a  
21 lot of people with really awful views, but there's a lot more  
22 people who feel the exact opposite. And they showed  
23 themselves. And, like, last night was a great example.

24 So I gave a lot of people their flowers that were very  
25 well-deserved. And I talked about, I think, the history of UVA

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1 and Thomas Jefferson and just saying that, like, that whole  
2 legacy is, like, you know, being changed by the people who go  
3 to this school now, and blah, blah, blah.

4 Q What did you do after making your speech?

5 A So after I gave the speech I stayed and watched a few  
6 more. But I had to be at a place called the Bridge at a  
7 certain time. I don't remember the exact time. But it was a  
8 walkable distance. So I walked from McGuffey Park to the  
9 Bridge.

10 Q What is the Bridge?

11 A The Bridge is some kind of like community center here in  
12 Charlottesville.

13 Q And why did you need to go there?

14 A Because myself and the students from last night, the ones  
15 who had just been hyping up and celebrating, we had planned to  
16 meet there so that we could begin our student march.

17 Q Do you know around what time you got to the Bridge?

18 A I don't. My best guess would be 9 o'clock.

19 Q What did you do once you got there?

20 A So once I got there, I regrouped with my friends from the  
21 night before, and I think we all exchanged different stories of  
22 how we experienced the night before and what we thought about  
23 what had happened. You know, we were all shocked, incredulous,  
24 couldn't believe what had happened. We're all like, did you  
25 imagine that? Like, no. Did you? Okay, no. Cool. Great.

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1 It was great to see that everyone was okay. Obviously we  
2 were worried about people getting home safely that evening and  
3 stuff. But it was kind of every man for himself by the end of  
4 that night.

5 So yeah, we met up and we got that out of our system and  
6 then we practiced some of our songs that we had planned. So we  
7 had planned this student march, right? Like, we're the UVA  
8 students and people are at Emancipation Park, and so we're  
9 going to enter the park together and we're going to come, like,  
10 with our instruments and our songs. It's supposed to be this  
11 positive, like, student section kind of thing. So we did the  
12 dress rehearsal for that really quickly and then we left.

13 Q Do you remember what any of the songs were?

14 A Yeah, so one of the popular songs that we did was "The  
15 People United Will Never Be Divided," repeat. That's the only  
16 one I remember in this moment, actually.

17 Q So after the rehearsal at the Bridge, where did the  
18 student march go?

19 A So after the rehearsal at the Bridge, we did our student  
20 march. So we left the Bridge and we crossed the bridge on Avon  
21 Street, and we went north, which is heading into downtown from  
22 this location, and that takes you to, like, the Sprint  
23 Pavilion. We were somewhere in that area. From there we  
24 basically, like, do a lap and head into Emancipation Park.

25 Q Can you describe what the student march in that direction

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1 was like?

2 A Yeah, it was really positive. I just remember it being  
3 like a really bright and sunny morning, and I thought like,  
4 okay, last night sucked, but this -- the vibe is definitely  
5 much more July 8th. Yeah, it was a sunny day. I remember  
6 being surprised there was a helicopter. Because I -- I just  
7 didn't think Unite the Right was going to be that big of a  
8 deal. So I was surprised by this helicopter and it was really  
9 loud and whirring. And our song was really good and we had  
10 a -- we had a band. So we had, like, some drums. People had  
11 different types of small instruments. So we sounded pretty  
12 good. It was a bright and sunny morning. I had just given a  
13 speech. I had just heard some poetry. Like, I was in a pretty  
14 good mood, actually.

15 Q About how many students were part of the student march?

16 A If I had to ballpark it, I'd say, like, maybe 30.

17 Q Did you march to Emancipation Park?

18 A Yes, we marched to Emancipation Park.

19 Q Did you actually go into the park?

20 A No, we did not. We never entered the park at any point.

21 Q Where did you stop?

22 A So, yeah, we didn't obviously go -- yeah, we did not go  
23 into Emancipation Park. Our march kind of ends outside of the  
24 Jefferson-Madison Regional Library, which is on the corner  
25 adjacent to the park, a safe distance from the people who were

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1 in the park.

2 Q We're going to show you a demonstrative. And if we could  
3 zoom in on the area around Emancipation Park. Thank you.

4 Looking at this demonstrative, Devin, are you able to  
5 circle where the Jefferson-Madison Regional Library is?

6 A Absolutely. Do you want me to circle the whole library?

7 Q The whole thing.

8 A Yeah, there it is.

9 Q And do you know what the streets are that are around the  
10 library?

11 A Yes. Do you want me to draw them?

12 Q Sure.

13 A Okay. So if I'm not mistaken, this is Second Street,  
14 these parallels. And then this is Market Street, East Market  
15 Street.

16 Q So why did you and the marching students stop in front of  
17 the library?

18 A That seemed about like an appropriately -- yeah, an  
19 appropriate and safe distance. Obviously we know what these  
20 people are capable of and we were not there to enter their park  
21 or anything. They had a permit, whatever. Yeah, it was -- and  
22 you can kind of see there's, like, this little kind of, like,  
23 open area that's not in the street. It was a good place to  
24 park our crowd and play our songs.

25 Q When you arrived there, were there other

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1 counter-protesters there?

2 A Yes.

3 Q What about white nationalists?

4 A There were loads of them.

5 Q Were there more white nationalists than  
6 counter-protesters?

7 A It looked like it on the street, yeah.

8 Q Were you able to tell whether, by that point, there were  
9 white nationalists in Emancipation Park?

10 A Yes. So the park, you couldn't even see into the park  
11 because all along the perimeter of the park these guys are just  
12 hanging out on the edges and heckling all the passerby and all  
13 the counter-protesters. They seemed more interested in what  
14 was happening in the street than what was happening inside  
15 their rally.

16 Q Were the white nationalists near you chanting anything?

17 A Yeah, they were chanting all kind of stuff; a lot of the  
18 same things from the night before, like the "white power" and  
19 the -- yeah, I remember "white power" in this moment.

20 Q How did the -- how were the white nationalists dressed?

21 A So you saw a lot of the same uniform from the night  
22 before. The vast majority of them had some combination of  
23 white top, white dress shirt with khaki or navy bottoms,  
24 whatever, kind of like the school uniform. But then you also  
25 saw a lot of people in riot gear, like this tactical armor,

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1 these, like, militia, like, fake-fatigue kind of getups. You  
2 had people wearing helmets, carrying massive Nazi flags, or  
3 Third Reich flags, whatever you want to call them. There was a  
4 lot more paraphernalia. And they were just trying to, like --  
5 it looked like a costume party or something. It was weird.

6 Q Did you see any weapons on any of the white nationalists?

7 A Yes. A lot of them had holstered weapons, especially the  
8 men in the park, holstered weapons on their hips that, just  
9 like July 8th, they were constantly pointing to, armed with  
10 pepper spray, which you can also see on their hip or in their  
11 hands, and then the flags and the poles and the bats and, like,  
12 the wooden sticks they were carrying were weapons, or were  
13 doubling as weapons as well. Similar haircuts again and --  
14 yeah.

15 Q When you say that objects like flags were doubling as  
16 weapons, what do you mean?

17 A Yeah, I saw a lot of people who would, like, roll up their  
18 flags and strike people with them.

19 Q So you're standing in front of the library with the  
20 student march folks.

21 A Yeah.

22 Q There are white nationalists around you. What are you and  
23 the other students doing?

24 A So like I said, this time I'm keeping a very safe  
25 distance. I don't really leave that vicinity before the state



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1 of emergency is called. And I am enjoying -- not enjoying  
2 myself, but I'm liking that things are going much more July 8th  
3 than they are August 11th. And I'm talking to the band because  
4 I was, like, really into the fact that we had a band. So I'm  
5 talking to the drummer. I'm talking to my friends. I'm  
6 recording some video of things that are happening in the  
7 street. But for the most part, yeah, I'm focused on the band  
8 and just, like, bantering with the people who came out with me.

9 Q I'd like to show you PX3265. This is a video. So we  
10 should cut the audio. It's upside down. But I bet Matt can  
11 fix it.

12 (Video playing.)

13 Could we play it again? Can we play it right side up?

14 (Video playing.)

15 Devin, did you just see a video on your screen?

16 A Yes, I did.

17 Q Did you recognize it?

18 A Yes.

19 Q How do you recognize it?

20 A I see myself in it.

21 Q And what day is it from?

22 A That is from the morning of August 12th.

23 MS. CONLON: Moving -- I'd like to move PX3265 into  
24 evidence.

25 THE COURT: It'll be admitted.

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1 (Plaintiff Exhibit 3265 marked.)

2 (Plaintiff Exhibit 3265 admitted.)

3 MS. CONLON: Can we play it for the jury, with audio?

4 (Video playing.)

5 BY MS. CONLON:

6 Q What are we seeing in that video?

7 A I see myself talking to this drummer guy. I'm singing our  
8 song, "Shut it down, don't back down, shut it down," referring  
9 to the park. Yeah, I'm in obviously good spirits.

10 MS. CONLON: Can we show him PX3268, please?

11 BY MS. CONLON:

12 Q Do you recognize this picture?

13 A Yes, I do.

14 Q How do you recognize it?

15 A I'm pictured here again.

16 Q And is this also from August 12th?

17 A Yeah.

18 MS. CONLON: I'd like to move PX3268 into evidence.

19 THE COURT: Be admitted.

20 (Plaintiff Exhibit 3268 marked.)

21 (Plaintiff Exhibit 3268 admitted.)

22 BY MS. CONLON:

23 Q What's happening in this picture?

24 A I'm trying to take this girl's microphone from her. I  
25 wanted to help her lead some songs.

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1 Q Are you hyping her up?

2 A I'm hyping her up. Yeah, I was hyping her up.

3 Q What's the energy of the crowd like at this point?

4 A It's really good. Yeah, I see some of my friends in here,  
5 too. And, like, it was good. Like I said, it was still  
6 bright, early, sunny. It's -- all these people are mostly  
7 students, and we're -- yeah, we're just, like, making the best  
8 of a really bad situation, I think.

9 Q Do you remember whether you were chanting anything when  
10 you had that megaphone?

11 A I don't remember what song I was doing in this exact  
12 photo.

13 Q Do you remember what chants you did generally on August  
14 12th?

15 A I can still only pretty much recall -- I mean, I was  
16 wearing this one out, but the whole "The people united will  
17 never be divided." I know I'm saying "shut it down." Probably  
18 the same one from last night, like "no fascist USA." Just  
19 pretty run-of-the-mill stuff.

20 Q So you're standing with the band, you're chanting. Did  
21 you see the white nationalists or anyone else doing anything at  
22 the corner of Second and Market?

23 A At the corner -- yeah. So -- wait. Could you repeat the  
24 question, please?

25 Q Sure. Apart from chanting, did you see the white

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1 nationalists doing anything else in the area you're standing  
2 where this picture is taken?

3 A Yeah. So you can see this is, like, the corner that I'm  
4 hanging out on for most of the day. And from this corner I can  
5 see to my -- like this picture isn't really that helpful for  
6 it, but from the corner I can see the park and I can see Market  
7 Street outside of the park. And that's where a lot of the  
8 white nationalists are hanging out, a lot of the commando kind  
9 of guys.

10 And they're doing all kind of stuff. They are like -- I  
11 mean, they're picking fights with anybody who they can get to  
12 walk by or, you know, whatever. And they are throwing water  
13 bottles, water bottles that are filled with urine. They're  
14 throwing flags, rolled up flags, all their little makeshift  
15 weapons, they're throwing these things at the crowd and they're  
16 spraying people.

17 And then you also had a group of people who were, like,  
18 entering the park. They seemed to be doing so, like, near us,  
19 for whatever reason.

20 Q When you say there was a group of people entering the  
21 park, you mean white nationalists?

22 A Yeah, so there's like -- like I mentioned, there's, like,  
23 some smaller groups who are, like, coming forward. So there's,  
24 like, the polo guys and the khaki guys, but you also have,  
25 like, these small, like, kind of brigade, kind of like smaller

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1 units types of people, who come in, like, different uniforms  
2 and different outfits, and a lot of them came through Market  
3 Street. So they would, you know, really relish in the chance  
4 to like push through the crowd of protesters and knock people  
5 down and that kind of thing.

6 Q How did you react when you saw the white nationalists  
7 coming down Market Street toward you?

8 A I thought that they were -- I was really curious as to why  
9 they weren't using any of the three other directions they could  
10 have entered the park from, why they were going for the one  
11 that had the most amount of students and activists and stuff.  
12 So yeah, I was pretty annoyed with that decision and I felt  
13 like, I mean, we -- I only knew how to do nonviolent protest,  
14 so...

15 Q So how did you nonviolently protest when they approached?

16 A So like I mentioned, these guys would like come in waves  
17 from Market Street. I only did this, like, one or two times,  
18 but it happened many times throughout this day. But like, the  
19 people who are on the street who are already there, you know,  
20 we would, like, lock arms like the night before, and it's like,  
21 you can get around us, but they always chose to go through us,  
22 and they would knock the middle down, which knocks everybody  
23 else down. Yeah, like a few times that would, like -- yeah, I  
24 don't...

25 Q That's okay.

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1 A Yeah.

2 Q So when you say people would lock arms, do you mean form a  
3 chain of people with arms locked?

4 A Exactly, yeah. You know, holding up signs, that kind of  
5 thing.

6 MS. CONLON: Can we pull up PX3267, please?

7 (Video playing.)

8 BY MS. CONLON:

9 Q Were you able to see that short video clip?

10 A Yes.

11 Q Do you recognize it?

12 A Yes.

13 Q How?

14 A I believe I took this video.

15 Q Did you take it on August 12th?

16 A Yes, I took it on August 12th.

17 MS. CONLON: I'd like to admit PX3267 into evidence.

18 THE COURT: It will be admitted.

19 (Plaintiff Exhibit 3267 marked.)

20 (Plaintiff Exhibit 3267 admitted.)

21 MS. CONLON: Can we play it for the jury?

22 (Video playing.)

23 BY MS. CONLON:

24 Q Can you describe for us what we are seeing in the video?

25 A Yeah, so you're seeing a group of -- this is mostly

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1 students. I know a lot of the people in the video. That's  
2 probably why I took the camera out to film them. And we are --  
3 yeah, we're linking hands and protesting and singing our song  
4 along the intersection of Market, so like between library side  
5 and downtown pedestrian mall side. I don't know if that made  
6 sense.

7 But basically the point is that, like, we're doing our  
8 songs. I captured this video. I go down the line pretty  
9 quickly to hype my friends up. You can actually see at the  
10 end, like that part of the sidewalk which is back on the  
11 library side of the street, that's where the link ends. So  
12 after this video, I jumped onto the link.

13 Q So you joined the people who were standing across Market  
14 Street and you were on the library side of the chain?

15 A Yeah.

16 Q And at the point that you're standing in that line, what  
17 do you see coming toward you?

18 A Yeah, so at that point, you know, one of those militia  
19 brigade things pulls up. I just remember seeing, like, a bunch  
20 of older, bearded men. And I don't remember much about the  
21 color of their uniforms, but they were marching in this, like,  
22 you know, quasi-military formation, and they're marching  
23 directly for our chain, because why go around us, right? And  
24 then they charge into the middle of it and we, like, stand  
25 pretty strong, but they are grown men and eventually knock

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1 everybody down. So I get knocked to the ground. And I just  
2 don't remember too much about what happens after that, but I  
3 know that I -- you know, I'm a nonviolent person, so I fled.

4 Q The people you saw coming towards you, did any of them  
5 have shields?

6 A I don't remember.

7 Q It's okay. Did any of them have helmets?

8 A Yes.

9 Q Do you remember what their helmets looked like?

10 A No.

11 Q Do you recall seeing -- withdrawn.

12 You said that the people coming toward you marched into  
13 the line you were in; is that right?

14 A Yes.

15 Q Did any of them make physical contact with you?

16 A I don't remember.

17 Q Do you remember --

18 A Well --

19 Q Sorry, go ahead.

20 A In that exact moment I don't think so because I was on the  
21 edge of the line. Like, I was, like I said, on the library  
22 side. So if they were hitting the center of the line, they  
23 wouldn't have touched me. But like I said, when the line gets  
24 broken, that's when they start attacking people. So I'm not  
25 sure about what happens in the immediate aftermath.



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1 Q You said that you -- you fled after. How did you flee?

2 A Yeah, so I know there was, like, a vehicle nearby that was  
3 on the library side of the street. So I ran behind the vehicle  
4 and then tried to get on the steps.

5 Q Do you remember anything that the white nationalists who  
6 had rushed the line you were in were doing or saying as you  
7 fled?

8 A I don't remember what they were saying, but I know that  
9 they were pushing and shoving people. I mean, that's what they  
10 charged us for. They wanted to knock people down and they  
11 wanted, yeah, to push people around.

12 Q Did you hear them call out anything before they rushed  
13 your line?

14 A Some quasi-military stuff, but I don't remember what they  
15 were saying.

16 Q Something like a military order or a drill?

17 A Exactly, yeah.

18 Q So did you make it safely to the library steps?

19 A Yes.

20 Q Did anything happen to you on the way there?

21 A There was a lot of pepper spray. So once again, I choked.  
22 And like, you know, I, like -- when you fall to the ground like  
23 that, you get a little scrape or a cut or whatever. But, yeah,  
24 I collected myself pretty quickly, like I said. I got behind  
25 the car and then I went to the steps.

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1 At some point -- I don't remember if it was in this exact  
2 moment, but at some point during the day the pepper spray had  
3 gotten so out of hand that a lady, a kind lady on the street,  
4 gave me her bandanna to cover my face with. I think that's  
5 around the time I had gotten that from her. And then I got on  
6 the steps.

7 It's like -- I don't like making -- it's like, a lot of  
8 people were hurt really badly that day, so I don't like to make  
9 a big thing out of like, you know, what happened to me in  
10 comparison. But, yeah, like, it was a painful experience.

11 Q Did you have any physical symptoms from the pepper spray?

12 A Yeah. Just choking and coughing and crying.

13 Q After you were pepper-sprayed and you got onto the steps,  
14 was anyone on the steps with you?

15 A I don't remember who was with me. It was a chaotic  
16 moment.

17 Q Were there other people up there?

18 A Yes.

19 Q Were they counter-protesters or white nationalists?

20 A It was counter-protesters, but mostly still the students  
21 at this point, and, like, some older community members.

22 Q What did you see while you were up on the steps?

23 A Yeah, I'm looking down and I'm seeing an increasingly  
24 chaotic scene. Yeah, a lot of stuff is happening a little bit  
25 closer to the park. It seems like more and more of the white

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1 supremacists are, like, coming out of the park and bothering  
2 people, agitating the crowd.

3 Q Did you witness any violence while you were standing on  
4 the steps?

5 A I don't remember witnessing -- well, more of the kind of  
6 like white nationalists throwing things at people, hitting  
7 people, people -- yeah, I saw some scuffles and brawls breaking  
8 out.

9 Q What did the people look like who appeared to be  
10 instigating the brawls that you saw?

11 A They were -- most of them were wearing the uniform, or  
12 wearing that -- yeah, most of them were wearing the uniform of,  
13 like, the white top and the khaki bottoms that I described.

14 Q Did you see anyone doing that who was in, you know, like,  
15 a black militant-looking uniform?

16 A Absolutely. There were so many people dressed that way  
17 who were very evidently white nationalists. A lot of them had  
18 red flags, Confederate flags, Nazi paraphernalia. And these  
19 people were almost always agitating with somebody.

20 Q Do you know how long you were on the steps for?

21 A I do not know how long I was on the steps for.

22 Q At some point, did you hear an order to disperse?

23 A Yes. So I don't remember what time it was, but I remember  
24 that the police began using megaphones to tell everyone that it  
25 was time to leave.

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1 Q What did you do when you heard that?

2 A When I heard that, I complied. I was ready to go. So I  
3 gathered my friends, I found my friends, and we started heading  
4 along Market Street to take -- to leave the city.

5 MS. CONLON: Can we please pull up PX3263?

6 BY MS. CONLON:

7 Q Are you able to see this picture?

8 A Yes, I can see the picture.

9 Q Do you recognize it?

10 A I do.

11 Q How do you recognize it?

12 A I'm pictured.

13 MS. CONLON: I'd like to move PX3263 into evidence.

14 THE COURT: Be admitted.

15 (Plaintiff Exhibit 3263 marked.)

16 (Plaintiff Exhibit 3263 admitted.)

17 BY MS. CONLON:

18 Q Do you see yourself in this picture?

19 A I do.

20 Q Can you point yourself out?

21 A Oh, yeah, yeah, yeah. (Witness complies.)

22 Q You mentioned earlier that someone gave you a rag to cover  
23 your face after you had been getting pepper-sprayed.

24 Is that the rag we see in this picture?

25 A Yes.

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1 Q And you're holding a sign in this picture?

2 A Yes.

3 Q What does it say?

4 A The sign reads "students for tomorrow, UVA."

5 Q And did you make the sign?

6 A I did make the sign.

7 Q Do you have a sense of when this photo was taken during  
8 the day on August 12th?

9 A It's hard to be sure, but I have a feeling -- I'm pretty  
10 confident that this photo was taken on my way out of the area.

11 Q After the order to disperse?

12 A Yes, or something like that.

13 MS. CONLON: We can take it down.

14 BY MS. CONLON:

15 Q Were you able to see the faces -- the faces of the people  
16 who rushed the line that you were in?

17 A No. Or if I -- I did, but I didn't register their faces.

18 Q Can you describe what direction they were coming from?

19 A They were coming from the east. So that means -- do you  
20 want to put up a map or something?

21 Q That is a good idea.

22 MS. CONLON: Can we put up a demonstrative for Devin?

23 Thank you.

24 BY MS. CONLON:

25 Q Okay. Looking at this map, can you draw an arrow along

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1 Market Street to indicate the direction that the white  
2 nationalists came from toward you?

3 A Yes. So I'll draw an arrow in the direction that they  
4 were moving.

5 So they were coming from the east and moving west along  
6 east, and that's how they kept finding themselves in front of  
7 this crowd of people where I was standing, at this corner.

8 Q Are you able to show us on this map -- you mentioned  
9 earlier that there are other ways that the white nationalists  
10 could have gotten into Emancipation Park apart from passing  
11 where you were standing.

12 A Yes.

13 Q Can point out the other entrances to the park?

14 A Yes. So you can see from the paths that are in the park  
15 there's an entrance at every vertex. So they could have --  
16 there were three other options.

17 MR. JONES: I'm going to object to a lack of  
18 foundation for how he knows whether those entrances were  
19 actually open and available to them.

20 THE COURT: Sustained.

21 BY MS. CONLON:

22 Q Devin, are you familiar with Emancipation Park?

23 A I'm familiar with the park, yes.

24 THE COURT: He can testify as to what -- where  
25 entrances are, but not as to whether they were open or

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1 available.

2 MS. CONLON: That's fine.

3 BY MS. CONLON:

4 Q The only entrance you were near is the one at Second and  
5 Market, right?

6 A Exactly.

7 Q Do you happen to know if other entrances were open?

8 A I did not -- I didn't think that maybe they were closed,  
9 but I really was curious as to why my entrance was so popular  
10 that day.

11 Q Understood.

12 THE COURT: Excuse me just a minute. We have gone  
13 now over an hour and a half, which is about as long as we tell  
14 people they have to sit. If we took a break, it would be past  
15 5 o'clock. So we're going to recess today until Monday  
16 morning. Court will start at 9 o'clock, or the trial will  
17 begin at 9 o'clock.

18 So over the weekend, do not discuss the case with  
19 anyone. Do not allow anyone to discuss it with you. Do not  
20 remain within hearing of anyone discussing it. Do not read,  
21 watch, or listen to anything about the case whatsoever.

22 And so at this time I'm going to recess and allow the  
23 jury to file out.

24 I'll see you all Monday. I hope you have a nice  
25 weekend.

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1 (Jury out, 4:42 p.m.)

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C E R T I F I C A T E

I, Lisa M. Blair, RMR/CRR, Official Court Reporter for the United States District Court for the Western District of Virginia, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings reported by me using the stenotype reporting method in conjunction with computer-aided transcription, and that same is a true and correct transcript to the best of my ability and understanding.

I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

/s/ Lisa M. Blair

Date: October 29, 2021